AO 121 (Rev. 06/16)

TO:	
Register of Copyrights **U.S. Copyright Office** **101 Independence Ave. S.E.** **Washington, D.C. 20559-6000**	**REPORT ON THE** **FILING OR DETERMINATION OF AN** **ACTION OR APPEAL** **REGARDING A COPYRIGHT**

In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

☑ ACTION ☐ APPEAL	COURT NAME AND LOCATION
	U.S. District Court Southern District of New York (Foley Square)

DOCKET NO.	DATE FILED 4/30/2024	40 Foley Square New York, NY 10007

PLAINTIFF	DEFENDANT
Daily News, LP, Chicago Tribune Company, LLC, Orlando Sentinel Communications Company, LLC, Sun-Sentinel Company, LLC, San Jose Mercury-News, LLC, DP Media Network, LLC, ORB Publishing, LLC, and	MICROSOFT CORPORATION, OPENAI, INC., OPENAI LP, OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO, LLC, OPENAI GLOBAL, LLC, OAI CORPORATION, LLC, and OPENAI HOLDINGS, LLC,

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OR WORK
1	See Attached Exhibits	
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY			
	☐ Amendment	☐ Answer	☐ Cross Bill	☐ Other Pleading

COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1		
2		
3	.	

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED	WRITTEN OPINION ATTACHED	DATE RENDERED
☐ Order ☐ Judgment	☐ Yes ☐ No	

CLERK	(BY) DEPUTY CLERK	DATE

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2) Upon filing of document adding copyright(s), mail copy to Register of Copyrights
3) Upon termination of action, mail copy to Register of Copyrights
4) In the event of an appeal, forward copy to Appellate Court
5) Case File Copy

EXHIBIT A

NEW YORK DAILY NEWS

Registration Date	Issue Registered (Month/Year)	Registration Number
01/11/1996	September 1995	TX0004181162
01/11/1996	October 1995	TX0004181146
02/27/1996	November 1995	TX0004184972
02/27/1996	December 1995	TX0004184973
04/23/1996	January 1996	TX0004211544
04/23/1996	February 1996	TX0004211543
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07/02/1996	April 1996	TX0004307866
09/18/1996	May 1996	TX0004336927
09/18/1996	June 1996	TX0004336926
11/04/1996	July 1996	TX0004356479
11/04/1996	August 1996	TX0004363177
01/13/1997	September 1996	TX0004434625
01/23/1997	October 1996	TX0004434628
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08/30/2022	July 2022	TX0009213104
09/01/2022	August 2022	TX0009203092
02/10/2023	November 2022	TX0009272461
05/12/2023	April 2023	TX0009288782
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05/24/2023	September 2022	TX0009281621
06/08/2023	December 2022	TX0009272154
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08/17/2023	June 2023	TX0009326979
08/17/2023	May 2023	TX0009306433
09/22/2023	August 2023	TX0009342088
12/04/2023	November 2023	TX0009344955
12/04/2023	October 2023	TX0009344957

EXHIBIT B

CHICAGO TRIBUNE

Registration Date	Issue Registered (Month/Year)	Registration Number
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03/06/1985	January 02 1985	TX0001524203
03/06/1985	January 03 1985	TX0001524207
03/06/1985	January 04 1985	TX0001524206
03/06/1985	January 05 1985	TX0001524197
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09/12/2011	June 2011	TX0006784583
07/12/2011	July 2011	TX0006604599
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EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,184	11/20/2000	Trevor I. Blumenau	BLU-005	9528

7590 12/02/2005	EXAMINER
David R. Graham	TRAN, PHILIP B
1337 Chewpon Avenue	
Milpitas, CA 95035	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/717,184	BLUMENAU, TREVOR I.
	Examiner	**Art Unit**	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 January 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-123_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-123_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 November 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _5/01, 10/01, 1/03_ .

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051125

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-20, 22-25, 27-33 and 35-123 are rejected under 35 U.S.C. 102(e) as

being anticipated by Kenner et al (Hereafter, Kenner), U.S. Pat. No. 5,956,716.

Regarding claim 1, Kenner teaches apparatus for effecting the provision of

content over a network, comprising:

means for receiving a request from a client for specified content (= requesting

and retrieving video clips by the user at the user multimedia terminal) [see Abstract and

Col. 4, Lines 43-64];

means for communicating to the client the identity of a node server having the

specified content stored thereon, thereby enabling the client to request transmission of

the specified content from the node server (= communicating between the web server

and the user terminal for transmitting web page and video clips to the user terminal)

[see Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49]; and

means for ascertaining that the node server transmitted the specified content to

the client (= locating audio/video content on servers to transmit to the users) [see Col. 5,

Lines 16-64], wherein an owner of the node server is offered an incentive as

compensation for transmission of the specified content to the client (= placing

advertisements and promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Regarding claims 2-8, Kenner further teaches wherein the incentive varies in

accordance with the bandwidth and/or latency performance of the node server in

transmitting the specified content to the client, in accordance with the bandwidth and/or

latency performance of the node server relative to the bandwidth and/or latency

characteristics of one or more other node servers that can provide the specified content

to the client, in accordance with the number and/or topological proximity of one or more

other node servers that can provide the specified content to the client, in accordance

with the time of day at which the node server transmits the specified content to the

client, wherein obtaining information regarding the characteristics of the transmission of

the content such as when the content was delivered and regarding the bandwidth

and/or latency performance associated with the transmission of the content (=

bandwidth and/or latency performance and geographical proximity and timestamp) [see

Col. 5, Lines 39-64 and Col. 12, Lines 14-55 and Col. 23, Lines 25-65 and Col. 25,

Lines 21-54].

Regarding claims 9-11, Kenner further teaches means for identifying a plurality of

node servers within the network that can act as a node server for distribution of the

specified content, means for selecting from the plurality of node servers one or more

candidate node servers, means for communicating the identity of the candidate node

servers to the client to enable the client to request transmission of the specified content via the network from one of the candidate node servers, means for determining the location of the client within the network, means for identifying the locations of the plurality of node servers that can act as a node server for distribution of the specified content, wherein the means for selecting one or more candidate node servers further comprises means for selecting from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client [see Fig. 4 and Abstract and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 12-14, Kenner further teaches means for identifying a network site that will act as a node server for distribution of the specified content, means for providing the specified content to the node server, means for identifying the location of a prospective node server that desires to act as a node server for distribution of the specified content, means for identifying the location of one or more other existing node servers that can act as a node server for distribution of the specified content, means for determining the topological proximity of the prospective node server to the existing node servers, wherein the prospective node server is selected as a node server for distribution of the specified content if the prospective node server satisfies a criterion regarding topological proximity to the existing node servers, wherein the means for

determining the topological proximity of the prospective node server to the existing node servers is performed using an annealing method [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claims 15-17, Kenner further teaches means for storing data identifying available content that can be obtained by a client, means for providing an identification of available content to the client, and means for storing data identifying the location of the node server and wherein the content comprises visual content including moving images [see Fig. 4 and Col. 4, Line 43 to Col. 6, Line 16].

Regarding claims 18-20, Kenner further teaches the network is a computer network, the Internet, a television network [see Fig. 4 and Col. 8, Lines 14-50].

Regarding claims 22-25 and 27-28, Kenner further teaches a core server and a node server wherein the node server comprises means for storing the specified content and means for receiving a request to transmit the specified content to the client, means for transmitting the specified content to the client, and wherein the core server comprises means for identifying a network site that will act as a node server for distribution of the specified content, means for providing the specified content to the node server, means for receiving the specified content from the core server, wherein the core server and the node server are each implemented at least in part in a computer, wherein the node server is implemented at least in part in a television set-top box or at least in part in a portable device, wherein the client comprising means for transmitting

the request for the specified content to the core server, means for receiving the identity of the node server from the core server and means for receiving the specified content from the node server, wherein the node server and the client are each implemented at least in part in a television set-top box [see Fig. 4 and Abstract and Col. 8, Lines 14-50 and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 29-33, Kenner further teaches the apparatus is a core server and the client comprising means for transmitting the request for the specified content to the core server, means for receiving the identity of the node server from the core server, means for receiving the specified content from the node server, means for transmitting a request to the node server to transmit the specified content to the client, means for monitoring the characteristics of the transmission of the specified content from the node server to obtain auditing information regarding the transmission of the specified content from the node server to the client, and means for transmitting the auditing information to the core server, wherein the core server and the client are each implemented at least in part in a computer, wherein the client is implemented at least in part in a television set-top box [see Fig. 4 and Col. 8, Lines 14-50 and Col. 23, Lines 3-65].

Regarding claim 35, Kenner teaches apparatus for effecting the provision of content over a network, comprising:

means for receiving a request for content from a client (= requesting and

retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col.

4, Lines 43-64]; and

means for determining the location of the client within the network, means for

identifying the location of a plurality of node servers within the network that have at least

part of the requested content stored thereon, means for selecting from the plurality of

node servers one or more candidate node servers that are determined to be

topologically proximate to the client, and means for communicating the identity of the

candidate node servers to the client to enable the client to request transmission of the

requested content via the network from one or more of the candidate node servers (=

determining the closest server containing the request video clips and geographical

distribution) [see Fig. 4 and Abstract and Col. 5, Lines 39-64 and Col. 16, Lines 14-61

and Col. 23, Lines 3-65].

Regarding claims 36-38, Kenner further teaches wherein the determination of

topological proximity to the client is performed using a breadth-first search to identify

node servers that satisfy a criterion regarding topological proximity to the client, and

further comprising means for storing a topological database including a topological map

of the network, wherein the means for selecting uses the topological map in making

determinations of topological proximity to the client, wherein the topological database

further includes data regarding bandwidth capacity and/or latency between at least

some of the network sites included in the topological map [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claim 39, Kenner further teaches apparatus as in claim 35, further comprising means for ascertaining which of the one or more of the candidate node servers transmitted requested content to the client (= locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-64], wherein an owner of such node server is offered an incentive as compensation for transmission of requested content to the client (= placing advertisements and promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Claims 40-42 are rejected under the same rationale set forth above to claims 12-14.

Claims 43-45 are rejected under the same rationale set forth above to claims 15-17.

Claims 46-48 are rejected under the same rationale set forth above to claims 18-20.

Regarding claims 49-51, Kenner further teaches wherein the apparatus is a core server, the system further comprising one of the plurality of node servers, the node server comprising means for storing at least part of the requested content, means for receiving a request to transmit content to the client, and means for transmitting the

requested content to the client and the client comprising means for transmitting a request for content to the core server, means for receiving the identity of one or more candidate node servers from the core server, means for selecting one or more of the candidate node servers from which to obtain content, means for transmitting a request to a selected node server to transmit content to the client, and means for receiving content in response to the request transmitted to the node server [see Fig. 4 and Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

Regarding claim 52, Kenner teaches apparatus for effecting the provision of content over a network, comprising:

means for identifying which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node servers that are part of the network, wherein at least one of the plurality of sets of content or parts of the plurality of sets of content is stored on redundant node servers (= locating audio/video content on servers to transmit to the users) [see Fig. 4 and Abstract and Col. 5, Lines 16-64 and Col. 16, Lines 14-61 and Col. 23, Lines 3-65];

means for receiving a request from a client that is part of the network for transmission of a set of content to the client, wherein at least part of the requested set of content is stored on redundant node servers (= requesting and retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col. 4, Lines 43-64]; and

means for selecting from the plurality of node servers one or more candidate node servers that have stored thereon at least part of the requested set of content, and

means for communicating the identity of the candidate node servers to the client to

enable the client to request transmission of the requested content via the network from

one or more of the candidate node servers (= communicating the user to the servers for

requesting contents) [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claims 53-55, Kenner further teaches wherein the candidate node

servers do not include all of the redundant node servers on which requested content is

stored, and further comprising means for storing data representing a topological map of

the network and means for determining the location of the client within the network, and

wherein the means for selecting one or more candidate node servers further comprises

means for selecting one or more candidate node servers that are determined to be

topologically proximate to the client, wherein the determination of topological proximity

to the client is performed using a breadth-first search to identify node servers that

satisfy a criterion regarding topological proximity to the client [see Fig. 4 and Abstract

and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claim 56, Kenner further teaches means for ascertaining which of the

one or more of the candidate node servers transmitted requested content to the client (=

locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-

64], wherein an owner of such node server is offered an incentive as compensation for

transmission of requested content to the client (= placing advertisements and

promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Claims 57-59 are rejected under the same rationale set forth above to claims 11-13.

Claims 60-62 are rejected under the same rationale set forth above to claims 15-17.

Claims 63-65 are rejected under the same rationale set forth above to claims 18-20.

Regarding claims 66-68, Kenner further teaches the node server comprising means for storing a set of content or part of a set of content, means for receiving a request to transmit a set of content or part of a set of content to the client, and means for transmitting the requested set of content or part of a set of content to the client and the client comprising means for transmitting a request for a set of content to the core server, means for receiving the identity of one or more candidate node servers from the core server, means for selecting one or more of the candidate node servers from which to obtain content, means for transmitting a request to a node server to transmit a set of content or part of a set of content to the client, and means for receiving a set of content or part of a set of content in response to the request transmitted to the node server [see Fig. 4 and Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

Claim 69 is rejected under the same rationale set forth above to claim 52.

Claim 70 is rejected under the same rationale set forth above to claim 56.

Claims 71-72 are rejected under the same rationale set forth above to claims 57-59.

Regarding claim 73, Kenner further teaches the content comprises visual content including moving images [see Col. 6, Lines 1-16].

Claims 74-76 are rejected under the same rationale set forth above to claims 66-68.

Claim 77 is rejected under the same rationale set forth above to claim 1.

Claims 78-80 are rejected under the same rationale set forth above to claims 2-8.

Claims 81-83 are rejected under the same rationale set forth above to claims 9-11.

Claims 84-86 are rejected under the same rationale set forth above to claims 12-14.

Claims 87-88 are rejected under the same rationale set forth above to claims 15-17.

Claims 89-91 are rejected under the same rationale set forth above to claims 22-25 and 27-28.

Claims 92-94 are rejected under the same rationale set forth above to claims 29-33.

Claim 95 is rejected under the same rationale set forth above to claim 35.

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Claims 96-98 are rejected under the same rationale set forth above to claims 36-38.

Claim 99 is rejected under the same rationale set forth above to claim 39.

Claims 100-102 are rejected under the same rationale set forth above to claims 40-42.

Claims 103-104 are rejected under the same rationale set forth above to claims 43-45.

Claims 105-107 are rejected under the same rationale set forth above to claims 49-51.

Claim 108 is rejected under the same rationale set forth above to claim 52.

Claims 109-111 are rejected under the same rationale set forth above to claims 53-55.

Claim 112 is rejected under the same rationale set forth above to claim 56.

Claims 113-115 are rejected under the same rationale set forth above to claims 57-59.

Claims 116-117 are rejected under the same rationale set forth above to claims 60-62.

Claims 118-120 are rejected under the same rationale set forth above to claims 66-68.

Claim 121 is rejected under the same rationale set forth above to claim 1.

Claim 122 is rejected under the same rationale set forth above to claim 35.

Claim 123 is rejected under the same rationale set forth above to claim 52.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 21, 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kenner et al (Hereafter, Kenner), U.S. Pat. No. 5,956,716.

Regarding claims 21 and 26 and 34, Kenner does not explicitly teach the network

is a wireless communications network and the node server is implemented at least in

part in a portable device and the client is implemented at least in part in a portable

device. However, it would have been obvious to one of skilled in the art to implement a

wireless communications network and devices in the networks are portable devices

because it would have enabled the user to be mobilized while efficiently communicating

with other devices wirelessly in the network from the remote area.

Other References Cited

5.   The following references cited by the examiner but not relied upon are

considered pertinent to applicant's disclosure.

A) Bonnaure et al, U.S. Pat. No. 5,862,339.

B) Auerbach, U.S. Pat. No. 6,832,253.

C) Koss, U.S. Pat. No. 6,731,612.

D) Starnes et al, U.S. Pat. No. 6,510,469.

E) Borella et al, U.S. Pat. No. 6,182,125.
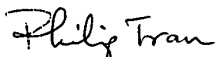
Serial Number: 09/717,184   Page 15
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6.   A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS

SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS

COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR

RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C.

§ 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF

37 CAR 1.136(A).

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (571) 272-3991.

The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on

(571) 272-4006.

8.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Philip Tran

Philip B. Tran
Primary Examiner
Art Unit 2155
November 25, 2005

REMARKS

Claims 1-123 were filed and are pending. Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102. Claims 21, 26 and 34 were rejected under 35 U.S.C. § 103. Reconsideration and allowance of Claims 1-123 is requested.

Rejection of Claims under 35 U.S.C. § 102

In the Office Action, Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102 as being anticipated by Kenner et al. (U.S. Patent No. 5,956,716).

Regarding Claim 1, the Office Action stated:

> Kenner teaches apparatus for effecting the provision of content over a network, comprising:
>
> means for receiving a request from a client for specified content (= requesting and retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col. 4, Lines 43-64];
>
> means for communicating to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server (= communicating between the web server and the user terminal for transmitting web page and video clips to the user terminal) [see Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49]; and
>
> means for ascertaining that the node server transmitted the specified content to the client (- locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-64], wherein an owner of the node server is offered an incentive as compensation for transmission of the specified content to the client (= placing advertisements and promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

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Claim 1 recites (emphasis added):

>   Apparatus for effecting the provision of content
> over a network, comprising:
>   means for receiving a request from a client
> for specified content;
>   means for communicating to the client the
> identity of a node server having the specified
> content stored thereon, thereby enabling the
> client to request transmission of the specified
> content from the node server; and
>   means for ascertaining that the node server
> transmitted the specified content to the client,
> wherein an owner of the node server is offered an
> incentive as compensation for transmission of the
> specified content to the client.

Kenner et al. teach a video clip storage and retrieval
system (column 4, lines 37-38 of the Kenner et al. patent).
Kenner et al. teach that "[t]he video clip retrieval system is a
distributed computer system or network whereby video clips and
text information, stored locally and at a remote location, can be
requested and viewed at a user's multimedia terminal" (column 4,
lines 43-46 of the Kenner et al. patent). Kenner et al. further
teach, at column 7, lines 14-35 of the Kenner et al. patent
(emphasis added):

>   FIG. 1 illustrates a preferred embodiment of the video
> clip storage and retrieval system, showing its
> structural hierarchy and the various modules which
> comprise the system. As shown, the system comprises
> one or more user terminals 14, a local storage and
> retrieval unit ("local SRU") 18, a data sequencing
> interface (DSI) 30, one or more extended storage and
> retrieval units ("extended SRUs") 26, and one or more
> index managers ("IM") 22.
>
>   By way of a system overview, video clips are stored
> primarily on extended SRUs 26, and are tracked and
> distributed by the IMs 22. A user obtains videos of
> interest by communicating with a primary index manager
> ("PIM") 22 via a local SRU 18. The PIM 22 locates the
> requested video clips and creates a DSI 30 to direct
> the efficient download of the video clips to the user
> terminal 14. The connections between terminal 14 and

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the local SRU 18 can be within the same computer, or between two or more computers located within a building, which are linked together on a local area network.

Kenner et al. do not teach or suggest "means for communicating to [a] client the identity of a node server having ... specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server," as recited in Claim 1. Rather, Kenner et al. teach that an entity (PIM 22) to which a user terminal (analogous to the "client" in Claim 1) communicates a request for a video (content) creates another entity (DSI 30) which requests transmission of video clips of the video to the user terminal.

An architecture for effecting the provision of content over a network as in Claim 1 provides advantages not provided by an architecture as taught by Kenner et al. For example, with an architecture as in Claim 1, the client can evaluate the capabilities of node server(s) to deliver content and request transmission of the content from node server(s) that can best provide the content to the client. For instance, as described in Applicant's specification at page 27, lines 16-35, the client can determine topological proximity of node server(s), evaluate the bandwidth and/or latency performance of node server(s), consider other scheduled content delivery by node server(s), and/or analyze (e.g., trend analysis) operation of node server(s), then select node server(s) for delivery of content to the client based on one or more of those evaluations.

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Kenner et al. also do not teach or suggest that an owner of a node server can be offered an incentive as compensation for transmission of specified content to a client, as recited in Claim 1. This aspect of Applicant's invention is discussed, for example, at page 7, line 29 to page 8, line 7 of Applicant's specification:

> In one particularly advantageous aspect of the invention, the owner of a site on the network can be provided with one or more incentives to make that network site a node server. Such incentives can include, for example, access to premium content from the core server (or other content providing site), access to free content from a content providing site (e.g., a free movie, free software, a free software upgrade), access to content that has been modified in a desirable way (e.g., content without advertising), loyalty program credits (e.g., frequent flyer miles), cash, or some combination of such incentives. However, as can be readily understood, the invention contemplates the use of any incentive or combination of incentives to induce a network site owner to allow their site to be used as a node server.

In the Office Action it is contended that this limitation of Claim 1 is taught at column 4, lines 7-34 and column 19, lines 8-37 of the Kenner et al. patent. However, that is not the case. The Kenner et al. patent teaches, at column 4, lines 7-34:

> In one embodiment of the invention, the user, a real estate agent, has the capability of receiving up-to-date audio-visual information about a listed property. Presently, a real estate agent spends hours researching relevant aspects of available property, to include, inspecting the property, taking photographs of the property, and accumulating information about the property. In fact, the typical agent sees less than 50 percent of the new homes listed because of time constraints. Additional time and effort is spent ascertaining the prospective buyer's desires, introducing the buyer to the range of communities available within a chosen region, researching properties that the potential buyer may be interested in, and then showing these properties to the potential buyer.

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> According to the invention, a realtor's time will be
> more effectively used on activities directly related to
> selling property, and not on time intensive, activities
> necessary to stay abreast with market conditions. For
> example, by being able to view the property on a video
> terminal the realtor will reduce significantly the time
> spent researching potential properties. The time spent
> visiting properties with the potential buyer is
> likewise reduced by being able to introduce the
> property to the buyer via the video clip. This allows
> the realtor to devote more time to closings and other
> administrative duties associated with selling the
> property. Also, having the video retrieval capability
> allows the realtor to constantly refresh the customer's
> memory without having to revisit the property.

As can be seen, that section of the Kenner et al. patent does not

discuss the provision of an incentive to a network site owner to

allow their site to be used as a node server. Kenner et al. do

not teach or suggest that a real estate agent, the agent's

client, or the owner of a property being reviewed by the agent

and/or client is an owner of a network site that can be

incentivized to allow their network site to be used as a node

server. The Kenner et al. patent further teaches, at column 19,

lines 8-37:

> Another application of the invention is directed
> towards providing online drug prescription information
> to physicians. Traditionally, pharmaceutical companies
> have utilized very expensive detail forces to
> physically meet with physicians to educate them about
> proprietary medications. However, recently, with the
> tremendous downward pressure on prescription pricing,
> the rapidly rising costs of drug discovery and
> development, the speed of reverse engineering by
> competitors and the more liberal generic drug approval
> policy, drug companies can no longer afford a full
> detail force to market their proprietary drugs. At
> present, high quality video cassettes are produced
> about the drug, and are sent directly to the physician
> in an attempt to supplement the sales force.
>
> One embodiment of the invention provides ready access
> to audio-visual information about various drugs
> available to the physician. As with the real estate

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> application, a third party text database may be used,
> for example, an on-line version of the "Physicians Desk
> Reference." The physician may simply search through
> the on-line database and select a list of drugs that
> the physician would like to view on video. The system
> will search for, locate, and download the requested
> audio-visual information. The drug videos may serve a
> variety of functions. For example, the physician may
> use this audio-visual information to learn about new
> drugs, or simply to refresh or update their knowledge
> about existing drugs. Also, drug companies may place
> advertisements about promotional drugs on the video
> clips for use by the physician.

As can be seen, that section of the Kenner et al. patent also does not discuss the provision of an incentive to a network site owner to allow their site to be used as a node server. Kenner et al. do not teach or suggest that a physician, drug company, or owner of a third party text database (e.g., on-line version of the "Physicians Desk Reference") is an owner of a network site that can be incentivized to allow their network site to be used as a node server.

In view of the foregoing, Claim 1 is allowable over the teaching of Kenner et al. Claims 2-20, 22-25 and 27-34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable as dependent on an allowable claim.

> Regarding Claim 35, the Office Action stated:
>
> Kenner teaches apparatus for effecting the provision of
> content over a network, comprising:
>
> means for receiving a request for content from a client
> (- requesting and retrieving video clips by the user at
> the user multimedia terminal) [see Abstract and Col. 4,
> Lines 43-64]; and
>
> means for determining the location of the client within
> the network, means for identifying the location of a
> plurality of node servers within the network that have
> at least part of the requested content stored thereon,
> means for selecting from the plurality of node servers

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one or more candidate node servers that are determined
to be topologically proximate to the client, and means
for communicating the identity of the candidate node
servers to the client to enable the client to request
transmission of the requested content via the network
from one or more of the candidate node servers
(- determining the closest server containing the
request video clips and geographical distribution) [see
Fig. 4 and Abstract and Col. 5, Lines 39-64 and
Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Claim 35 recites (emphasis added):

> Apparatus for effecting the provision of content
over a network, comprising:
>   means for receiving a request for content
from a client;
>   means for determining the location of the
client within the network;
>   means for identifying the location of a
plurality of node servers within the network that
have at least part of the requested content stored
thereon;
>   means for selecting from the plurality of
node servers one or more candidate node servers
that are determined to be topologically proximate
to the client; and
>   means for communicating the identity of the
candidate node servers to the client to enable the
client to request transmission of the requested
content via the network from one or more of the
candidate node servers.

As discussed above with respect to Claim 1, Kenner et al. do
not teach or suggest "means for communicating the identity of ...
candidate node servers to [a] client to enable the client to
request transmission of ... requested content via [a] network
from one or more of the candidate node servers," as recited in
Claim 35. In view of the foregoing, Claim 35 is allowable over
the teaching of Kenner et al. Claims 36-51 each depend, either
directly or indirectly, on Claim 35 and are therefore allowable
as dependent on an allowable claim.

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Regarding Claim 52, the Office Action stated:

Kenner teaches apparatus for effecting the provision of
content over a network, comprising:

means for identifying which of a plurality of sets of
content or parts of the plurality of sets of content
are stored by each of a plurality of node servers that
are part of the network, wherein at least one of the
plurality of sets of content or parts of the plurality
of sets of content is stored on redundant node servers
(= locating audio/video content on servers to transmit
to the users) [see Fig. 4 and Abstract and Col. 5,
Lines 16-64 and Col. 16, Lines 14-61 and Col. 23,
Lines 3-65];

means for receiving a request from a client that is
part of the network for transmission of a set of
content to the client, wherein at least part of the
requested set of content is stored on redundant node
servers (= requesting and retrieving video clips by the
user at the user multimedia terminal) [see Abstract and
Col. 4, Lines 43-64];

means for selecting from the plurality of node servers
one or more candidate node servers that have stored
thereon at least part of the requested set of content,
and means for communicating the identity of the
candidate node servers to the client to enable the
client to request transmission of the requested content
via the network from one or more of the candidate node
servers (= communicating the user to the servers for
requesting contents) [see Fig. 4 and Col. 23, Lines 3-
65].

Claim 52 recites (emphasis added):

     Apparatus for effecting the provision of content
over a network, comprising:
          means for identifying which of a plurality of
     sets of content or parts of the plurality of sets
     of content are stored by each of a plurality of
     node servers that are part of the network, wherein
     at least one of the plurality of sets of content
     or parts of the plurality of sets of content is
     stored on redundant node servers;
          means for receiving a request from a client
     that is part of the network for transmission of a
     set of content to the client, wherein at least
     part of the requested set of content is stored on
     redundant node servers;
          means for selecting from the plurality of
     node servers one or more candidate node servers

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that have stored thereon at least part of the
requested set of content; and
    means for communicating the identity of the
candidate node servers to the client to enable the
client to request transmission of the requested
content via the network from one or more of the
candidate node servers.

As discussed above with respect to Claim 1, Kenner et al. do

not teach or suggest "means for communicating the identity of ...

candidate node servers to [a] client to enable the client to

request transmission of ... requested content via [a] network

from one or more of the candidate node servers," as recited in

Claim 52. In view of the foregoing, Claim 52 is allowable over

the teaching of Kenner et al. Claims 53-68 each depend, either

directly or indirectly, on Claim 52 and are therefore allowable

as dependent on an allowable claim.

Regarding Claim 69, the Office Action stated that "Claim 69

is rejected under the same rationale set forth above to

claim 52."

Claim 69 recites (emphasis added):

    Apparatus for effecting the provision of content
over a television network, comprising:
        means for identifying which of a plurality of
    sets of content or parts of the plurality of sets
    of content are stored by each of a plurality of
    node server television set-top boxes that are part
    of the network;
        means for receiving a request from a client
    television set-top box that is part of the network
    for transmission of a set of content to the client
    television set-top box, wherein at least part of
    the requested set of content is stored on one or
    more node server television set-top boxes;
        means for selecting from the one or more node
    server television set-top boxes one or more
    candidate node server television set-top boxes;
    and
        means for communicating the identity of the
    candidate node server television set-top boxes to

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the client television set-top box to enable the
client television set-top box to request
transmission of the requested content via the
network from one or more of the candidate node
server television set-top boxes.

As discussed above with respect to Claim 1, Kenner et al. do
not teach or suggest "means for communicating the identity of ...
candidate node server television set-top boxes to [a] client
television set-top box to enable the client television set-top
box to request transmission of ... requested content via [a]
network from one or more of the candidate node server television
set-top boxes," as recited in Claim 69. In view of the
foregoing, Claim 69 is allowable over the teaching of Kenner et.
al. Claims 70-76 each depend, either directly or indirectly, on
Claim 69 and are therefore allowable as dependent on an allowable
claim.

Regarding Claim 77, the Office Action stated that "Claim 77
is rejected under the same rationale set forth above to claim 1."
Claim 77 is allowable over the teaching of Kenner et al. for the
same reasons as given above with respect to Claim 1. Claims 78-
94 each depend, either directly or indirectly, on Claim 77 and
are therefore allowable as dependent on an allowable claim.

Regarding Claim 95, the Office Action stated that "Claim 95
is rejected under the same rationale set forth above to
claim 35." Claim 95 is allowable over the teaching of Kenner et
al. for the same reasons as given above with respect to Claim 35.
Claims 96-107 each depend, either directly or indirectly, on
Claim 95 and are therefore allowable as dependent on an allowable
claim.

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Regarding Claim 108, the Office Action stated that "Claim 108 is rejected under the same rationale set forth above to claim 52." Claim 108 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 52. Claims 109-120 each depend, either directly or indirectly, on Claim 108 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 121, the Office Action stated that "Claim 121 is rejected under the same rationale set forth above to claim 1." Claim 121 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 1.

Regarding Claim 122, the Office Action stated that "Claim 122 is rejected under the same rationale set forth above to claim 35." Claim 122 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 35.

Regarding Claim 123, the Office Action stated that "Claim 123 is rejected under the same rationale set forth above to claim 52." Claim 123 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 52.

In view of the foregoing, it is requested that the rejection of Claims 1-20, 22-25, 27-33 and 35-123 under 35 U.S.C. § 102 be withdrawn.

Rejection of Claims under 35 U.S.C. § 103

In the Office Action, Claims 21, 26 and 34 were rejected under 35 U.S.C. § 103 as unpatentable over Kenner et al. (U.S. Patent No. 5,956,716).

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Claims 21, 26 and 34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable over the teaching of Kenner et al. for at least the reasons given above with respect to Claim 1.

In view of the foregoing, it is requested that the rejection of Claims 21, 26 and 34 under 35 U.S.C. § 103 be withdrawn.

<div align="center">CONCLUSION</div>

Claims 1-123 were pending and were rejected. In view of the foregoing, it is requested that Claims 1-123 be allowed. If the Examiner wants to discuss any aspect of this application, the Examiner is invited to telephone Applicant's undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 2155, facsimile number (571) 273 8300, on March 2, 2006.

Respectfully submitted,

3-2-06

Date   Signature

David R. Graham
Reg. No. 36,150
Attorney for Applicant

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,184	11/20/2000	Trevor I. Blumenau	BLU-005	9528

7590   06/01/2006

David R. Graham
1337 Chewpon Avenue
Milpitas, CA 95035

EXAMINER
TRAN, PHILIP B

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/717,184	BLUMENAU, TREVOR I.	
	Examiner	Art Unit	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒   Responsive to communication(s) filed on _02 March 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒   Claim(s) _1-123_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐   Claim(s) _____ is/are allowed.

6)☒   Claim(s) _1-123_ is/are rejected.

7)☐   Claim(s) _____ is/are objected to.

8)☐   Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐   The specification is objected to by the Examiner.

10)☒   The drawing(s) filed on _30 March 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

   1.☐   Certified copies of the priority documents have been received.

   2.☐   Certified copies of the priority documents have been received in Application No. _____.

   3.☐   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   **Office Action Summary**   Part of Paper No./Mail Date 20060524

Response to Request for Reconsideration

1.   This office action is in response to the Request for Reconsideration filed on

03/02/2006. Claims 1-123 are presented for further examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-20, 22-25, 27-33 and 35-123 are rejected under 35 U.S.C. 102(e) as

being anticipated by Kenner et al (Hereafter, Kenner), U.S. Pat. No. 5,956,716.

Regarding claim 1, Kenner teaches apparatus for effecting the provision of

content over a network, comprising:

means for receiving a request from a client for specified content (= requesting

and retrieving video clips by the user at the user multimedia terminal) [see Abstract and

Col. 4, Lines 43-64];

means for communicating to the client the identity of a node server having the

specified content stored thereon, thereby enabling the client to request transmission of

the specified content from the node server (= communicating between the web server

and the user terminal for transmitting web page and video clips to the user terminal)

[see Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49]; and

means for ascertaining that the node server transmitted the specified content to the client (= locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-64], wherein an owner of the node server is offered an incentive as compensation for transmission of the specified content to the client (= placing advertisements and promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Regarding claims 2-8, Kenner further teaches wherein the incentive varies in accordance with the bandwidth and/or latency performance of the node server in transmitting the specified content to the client, in accordance with the bandwidth and/or latency performance of the node server relative to the bandwidth and/or latency characteristics of one or more other node servers that can provide the specified content to the client, in accordance with the number and/or topological proximity of one or more other node servers that can provide the specified content to the client, in accordance with the time of day at which the node server transmits the specified content to the client, wherein obtaining information regarding the characteristics of the transmission of the content such as when the content was delivered and regarding the bandwidth and/or latency performance associated with the transmission of the content (= bandwidth and/or latency performance and geographical proximity and timestamp) [see Col. 5, Lines 39-64 and Col. 12, Lines 14-55 and Col. 23, Lines 25-65 and Col. 25, Lines 21-54].

Regarding claims 9-11, Kenner further teaches means for identifying a plurality of node servers within the network that can act as a node server for distribution of the specified content, means for selecting from the plurality of node servers one or more candidate node servers, means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the specified content via the network from one of the candidate node servers, means for determining the location of the client within the network, means for identifying the locations of the plurality of node servers that can act as a node server for distribution of the specified content, wherein the means for selecting one or more candidate node servers further comprises means for selecting from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client [see Fig. 4 and Abstract and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 12-14, Kenner further teaches means for identifying a network site that will act as a node server for distribution of the specified content, means for providing the specified content to the node server, means for identifying the location of a prospective node server that desires to act as a node server for distribution of the specified content, means for identifying the location of one or more other existing node servers that can act as a node server for distribution of the specified content, means for determining the topological proximity of the prospective node server to the existing node

servers, wherein the prospective node server is selected as a node server for distribution of the specified content if the prospective node server satisfies a criterion regarding topological proximity to the existing node servers, wherein the means for determining the topological proximity of the prospective node server to the existing node servers is performed using an annealing method [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claims 15-17, Kenner further teaches means for storing data identifying available content that can be obtained by a client, means for providing an identification of available content to the client, and means for storing data identifying the location of the node server and wherein the content comprises visual content including moving images [see Fig. 4 and Col. 4, Line 43 to Col. 6, Line 16].

Regarding claims 18-20, Kenner further teaches the network is a computer network, the Internet, a television network [see Fig. 4 and Col. 8, Lines 14-50].

Regarding claims 22-25 and 27-28, Kenner further teaches a core server and a node server wherein the node server comprises means for storing the specified content and means for receiving a request to transmit the specified content to the client, means for transmitting the specified content to the client, and wherein the core server comprises means for identifying a network site that will act as a node server for distribution of the specified content, means for providing the specified content to the node server, means for receiving the specified content from the core server, wherein the

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core server and the node server are each implemented at least in part in a computer,

wherein the node server is implemented at least in part in a television set-top box or at

least in part in a portable device, wherein the client comprising means for transmitting

the request for the specified content to the core server, means for receiving the identity

of the node server from the core server and means for receiving the specified content

from the node server, wherein the node server and the client are each implemented at

least in part in a television set-top box [see Fig. 4 and Abstract and Col. 8, Lines 14-50

and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 29-33, Kenner further teaches the apparatus is a core server

and the client comprising means for transmitting the request for the specified content to

the core server, means for receiving the identity of the node server from the core server,

means for receiving the specified content from the node server, means for transmitting a

request to the node server to transmit the specified content to the client, means for

monitoring the characteristics of the transmission of the specified content from the node

server to obtain auditing information regarding the transmission of the specified content

from the node server to the client, and means for transmitting the auditing information to

the core server, wherein the core server and the client are each implemented at least in

part in a computer, wherein the client is implemented at least in part in a television set-

top box [see Fig. 4 and Col. 8, Lines 14-50 and Col. 23, Lines 3-65].

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Regarding claim 35, Kenner teaches apparatus for effecting the provision of content over a network, comprising:

means for receiving a request for content from a client (= requesting and retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col. 4, Lines 43-64]; and

means for determining the location of the client within the network, means for identifying the location of a plurality of node servers within the network that have at least part of the requested content stored thereon, means for selecting from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client, and means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers (= determining the closest server containing the request video clips and geographical distribution) [see Fig. 4 and Abstract and Col. 5, Lines 39-64 and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 36-38, Kenner further teaches wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client, and further comprising means for storing a topological database including a topological map of the network, wherein the means for selecting uses the topological map in making determinations of topological proximity to the client, wherein the topological database

further includes data regarding bandwidth capacity and/or latency between at least some of the network sites included in the topological map [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claim 39, Kenner further teaches apparatus as in claim 35, further comprising means for ascertaining which of the one or more of the candidate node servers transmitted requested content to the client (= locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-64], wherein an owner of such node server is offered an incentive as compensation for transmission of requested content to the client (= placing advertisements and promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Claims 40-42 are rejected under the same rationale set forth above to claims 12-14.

Claims 43-45 are rejected under the same rationale set forth above to claims 15-17.

Claims 46-48 are rejected under the same rationale set forth above to claims 18-20.

Regarding claims 49-51, Kenner further teaches wherein the apparatus is a core server, the system further comprising one of the plurality of node servers, the node server comprising means for storing at least part of the requested content, means for

receiving a request to transmit content to the client, and means for transmitting the requested content to the client and the client comprising means for transmitting a request for content to the core server, means for receiving the identity of one or more candidate node servers from the core server, means for selecting one or more of the candidate node servers from which to obtain content, means for transmitting a request to a selected node server to transmit content to the client, and means for receiving content in response to the request transmitted to the node server [see Fig. 4 and Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

Regarding claim 52, Kenner teaches apparatus for effecting the provision of content over a network, comprising:

means for identifying which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node servers that are part of the network, wherein at least one of the plurality of sets of content or parts of the plurality of sets of content is stored on redundant node servers (= locating audio/video content on servers to transmit to the users) [see Fig. 4 and Abstract and Col. 5, Lines 16-64 and Col. 16, Lines 14-61 and Col. 23, Lines 3-65];

means for receiving a request from a client that is part of the network for transmission of a set of content to the client, wherein at least part of the requested set of content is stored on redundant node servers (= requesting and retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col. 4, Lines 43-64]; and

means for selecting from the plurality of node servers one or more candidate node servers that have stored thereon at least part of the requested set of content, and means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers (= communicating the user to the servers for requesting contents) [see Fig. 4 and Col. 23, Lines 3-65].

Regarding claims 53-55, Kenner further teaches wherein the candidate node servers do not include all of the redundant node servers on which requested content is stored, and further comprising means for storing data representing a topological map of the network and means for determining the location of the client within the network, and wherein the means for selecting one or more candidate node servers further comprises means for selecting one or more candidate node servers that are determined to be topologically proximate to the client, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client [see Fig. 4 and Abstract and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claim 56, Kenner further teaches means for ascertaining which of the one or more of the candidate node servers transmitted requested content to the client (= locating audio/video content on servers to transmit to the users) [see Col. 5, Lines 16-64], wherein an owner of such node server is offered an incentive as compensation for

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transmission of requested content to the client (= placing advertisements and

promotions) [see Col. 4, Lines 7-34 and Col. 19, Lines 8-37].

Claims 57-59 are rejected under the same rationale set forth above to claims 11-

13.

Claims 60-62 are rejected under the same rationale set forth above to claims 15-

17.

Claims 63-65 are rejected under the same rationale set forth above to claims 18-

20.

Regarding claims 66-68, Kenner further teaches the node server comprising

means for storing a set of content or part of a set of content, means for receiving a

request to transmit a set of content or part of a set of content to the client, and means

for transmitting the requested set of content or part of a set of content to the client and

the client comprising means for transmitting a request for a set of content to the core

server, means for receiving the identity of one or more candidate node servers from the

core server, means for selecting one or more of the candidate node servers from which

to obtain content, means for transmitting a request to a node server to transmit a set of

content or part of a set of content to the client, and means for receiving a set of content

or part of a set of content in response to the request transmitted to the node server [see

Fig. 4 and Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

Claim 69 is rejected under the same rationale set forth above to claim 52.

Claim 70 is rejected under the same rationale set forth above to claim 56.

Claims 71-72 are rejected under the same rationale set forth above to claims 57-59.

Regarding claim 73, Kenner further teaches the content comprises visual content including moving images [see Col. 6, Lines 1-16].

Claims 74-76 are rejected under the same rationale set forth above to claims 66-68.

Claim 77 is rejected under the same rationale set forth above to claim 1.

Claims 78-80 are rejected under the same rationale set forth above to claims 2-8.

Claims 81-83 are rejected under the same rationale set forth above to claims 9-11.

Claims 84-86 are rejected under the same rationale set forth above to claims 12-14.

Claims 87-88 are rejected under the same rationale set forth above to claims 15-17.

Claims 89-91 are rejected under the same rationale set forth above to claims 22-25 and 27-28.

Claims 92-94 are rejected under the same rationale set forth above to claims 29-33.

Claim 95 is rejected under the same rationale set forth above to claim 35.

Claims 96-98 are rejected under the same rationale set forth above to claims 36-38.

Claim 99 is rejected under the same rationale set forth above to claim 39.

Claims 100-102 are rejected under the same rationale set forth above to claims 40-42.

Claims 103-104 are rejected under the same rationale set forth above to claims 43-45.

Claims 105-107 are rejected under the same rationale set forth above to claims 49-51.

Claim 108 is rejected under the same rationale set forth above to claim 52.

Claims 109-111 are rejected under the same rationale set forth above to claims 53-55.

Claim 112 is rejected under the same rationale set forth above to claim 56.

Claims 113-115 are rejected under the same rationale set forth above to claims 57-59.

Claims 116-117 are rejected under the same rationale set forth above to claims 60-62.

Claims 118-120 are rejected under the same rationale set forth above to claims 66-68.

Claim 121 is rejected under the same rationale set forth above to claim 1.

Claim 122 is rejected under the same rationale set forth above to claim 35.

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Claim 123 is rejected under the same rationale set forth above to claim 52.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 21, 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kenner et al (Hereafter, Kenner), U.S. Pat. No. 5,956,716.

Regarding claims 21 and 26 and 34, Kenner does not explicitly teach the network

is a wireless communications network and the node server is implemented at least in

part in a portable device and the client is implemented at least in part in a portable

device. However, it would have been obvious to one of skilled in the art to implement a

wireless communications network and devices in the networks are portable devices

because it would have enabled the user to be mobilized while efficiently communicating

with other devices wirelessly in the network from the remote area.

Response to Arguments

6.   Applicant's arguments have been fully considered but they are not persuasive

because of the following reasons:

Applicant argues that Kenner does not teach or suggest "means for

communicating to a client the identity of a node server having the specified content

stored thereon, thereby enabling the client to request transmission of the specified

content from the node server" as recited in claim 1 [see Remarks, Pages 4-6].

The examiner respectfully disagrees. Kenner explicitly teaches apparatus for

effecting the provision of content over a network comprising means for receiving a

request from a client for specified content. For example, Kenner discloses requesting

and retrieving video clips by the user at the user multimedia terminal [see Kenner,

Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for

communicating to the client the identity of a node server having the specified content

stored thereon, thereby enabling the client to request transmission of the specified

content from the node server. For example, Kenner discloses communications between

the web server and the user terminal for transmitting web page and video clips to the

user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

Applicant further argues that an architecture for effecting the provision of content

over a network as in claim 1 provides advantages not provided by an architecture as

taught by Kenner et al. For example, with an architecture as in claim 1, the client can

evaluate the capabilities of node server(s) to deliver content and request transmission of

the content from node server(s) that can best provide the content to the client. For

instance, as described in Applicant's specification at page 27, lines 16-35, the client can

determine topological proximity of node server(s), evaluate the bandwidth and/or

latency performance of node server(s), consider other scheduled content delivery by

node server(s), and/or analyze (e.g., trend analysis) operation of node server(s), then

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select node server(s) for delivery of content to the client based on one or more of those

evaluations [see Remarks, Page 6].

The examiner respectfully disagrees. *In response to applicant's argument that*

the references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., the client can evaluate the capabilities of node

server(s) to deliver content and request transmission of the content from node server(s)

that can best provide the content to the client. For instance, as described in Applicant's

specification at page 27, lines 16-35, the client can determine topological proximity of

node server(s), evaluate the bandwidth and/or latency performance of node server(s),

consider other scheduled content delivery by node server(s), and/or analyze (e.g., trend

analysis) operation of node server(s), then select node server(s) for delivery of content

to the client based on one or more of those evaluations) *are not recited in the rejected*

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See ***In re Van Geuns*, 988 F.2d 1181, 26**

USPQ2d 1057 (Fed. Cir. 1993).

It is noted that if the features upon which applicant relies are not recited in the

rejected claim 1 as argued by the applicant, then an architecture for effecting the

provision of content over a network as in claim 1 cannot provides advantages over an

architecture as taught by Kenner.

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Applicant also argues that Kenner does not teach or suggest "an owner of a node server can be offered an incentive as compensation for transmission of specified content to a client" as recited in claim 1 [see Remarks, Pages 7-9].

The examiner respectfully disagrees. Kenner further teaches means for ascertaining that the node server transmitted the specified content to the client. That is, Kenner discloses locating audio/video content on servers to transmit to the users [see Kenner, Col. 5, Lines 16-64]. Last but not least, Kenner does teach an owner of the node server is offered an incentive as compensation for transmission of the specified content to the client. For example, Kenner discloses, based on broadest interpretation, drug companies (owner of on-line website) placing advertisements and promotions for downloading the requested audio-visual information of their products [see Kenner, Col. 19, Lines 8-37]. In addition, Kenner discloses the subscription to access to the services may be free (incentive) and some clips might be free (incentive) with an appropriate subscription [see Kenner, Col. 33, Lines 34-57 and Col. 34, Lines 16-28].

In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 1. Claims 2-20, 22-25 and 27-34 depend, either directly or indirectly, on claim 1 and are therefore rejected at least by virtue of their dependency on independent claim 1 and by other reasons set forth above.

In addition, applicant further argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node servers to the client to

enable the client to request transmission of the requested content via the network from one or more of the candidate node servers" as recited in claim 35 [see Remarks, Pages 9-10].

The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal for transmitting web page and video clips to the user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49] and determining the closest server containing the request video clips and geographical distribution [see Kenner, Fig. 4 and Abstract and Col. 5, Lines 39-64 and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 35. Claims 36-51 depend, either directly or indirectly, on claim 35 and are therefore rejected at least by virtue of their dependency on independent claim 35 and by other reasons set forth above.

Similarly, applicant repeatedly argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers" as recited in claim 52 [see Remarks, Pages 11-12].

The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal and the web server for requesting contents [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 52. Claims 53-68 depend, either directly or indirectly, on claim 52 and are therefore rejected at least by virtue of their dependency on independent claim 52 and by other reasons set forth above.

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Similarly, applicant repeatedly argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node server television set-top boxes to the client television set-top box to enable the client television set-top box to request transmission of the requested content via the network from one or more of the candidate node server television set top boxes" as recited in claim 69 [see Remarks, Pages 12-13].

The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal and the web server for requesting contents [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 69. Claims 70-76 depend, either directly or indirectly, on claim 69 and are therefore rejected at least by virtue of their dependency on independent claim 69 and by other reasons set forth above.

Claim 77 is rejected under the same rationale set forth above to claim 1. Claims 78-94 depend, either directly or indirectly, on claim 77 and are therefore rejected at least by virtue of their dependency on independent claim 77 and by other reasons set forth above.

Claim 95 is rejected under the same rationale set forth above to claim 35. Claims 96-107 depend, either directly or indirectly, on claim 95 and are therefore rejected at least by virtue of their dependency on independent claim 95 and by other reasons set forth above.

Claim 108 is rejected under the same rationale set forth above to claim 52. Claims 109-120 depend, either directly or indirectly, on claim 108 and are therefore rejected at least by virtue of their dependency on independent claim 108 and by other reasons set forth above.

Claim 121 is rejected under the same rationale set forth above to claim 1. Claim 122 is rejected under the same rationale set forth above to claim 35. Claim 123 is rejected under the same rationale set forth above to claim 52.

Claims 21, 26 and 34 depend, either directly or indirectly, on claim 1 and are therefore rejected at least by virtue of their dependency on independent claim 1 and by other reasons set forth above.

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In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in claims 1-123. Accordingly, the examiner respectfully maintains the rejections for claims 1-123 as shown above.

Conclusion

7.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

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9.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Philip Tran

Philip B. Tran
Primary Examiner
Art Unit 2155
May 24, 2006

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REMARKS

Rejection of Claims and Summary of Response

Claims 1-123 were pending. Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102. Claims 21, 26 and 34 were rejected under 35 U.S.C. § 103. Claims 124-127 have been added. Reconsideration and allowance of Claims 1-123, and allowance of Claims 124-127, is requested.

Rejection of Claims under 35 U.S.C. § 102

In the Office Action, Claims 1-20, 22-25, 27-33 and 35-123 were rejected under 35 U.S.C. § 102 as being anticipated by Kenner et al. (U.S. Patent No. 5,956,716).

In response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 1, the Office Action states:

> Applicant argues that Kenner does not teach or suggest "means for communicating to a client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server" as recited in Claim 1 [see Remarks, Pages 4-6].
>
> The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server. For example, Kenner discloses communications between the web server and the user terminal for transmitting web page and video clips to the user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].

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In the previous Office Action response, Applicant contended
that "Kenner et al. do not teach or suggest 'means for
communicating to [a] client the identity of a node server having
... specified content stored thereon, thereby enabling the client
to request transmission of the specified content from the node
server,' as recited in Claim 1," as stated in the above-quoted
section of the Office Action. Whether "Kenner explicitly teaches
apparatus for effecting the provision of content over a network,
comprising means for receiving a request from a client for
specified content," as further stated in the above-quoted section
of the Office Action is inapposite with respect to that
contention.

Moreover, it is not the case that "Kenner ... teaches means
for communicating to [a] client the identity of a node server
having ... specified content stored thereon, thereby enabling the
client to request transmission of the specified content from the
node server," as further stated in the above-quoted section of
the Office Action. As pointed out in the previous Office Action
response, "[r]ather, Kenner et al. teach that an entity (PIM 22)
to which a user terminal (analogous to the "client" in Claim 1)
communicates a request for a video (content) creates another
entity (DSI 30) which requests transmission of video clips of the
video to the user terminal" (see the detailed discussion of the
teaching of Kenner et al. at pages 5-6 of the previous Office
Action response and, in particular, the teaching of Kenner et al.
at column 7, lines 14-35 of the Kenner et al. patent that is
quoted there). As indicated by that teaching, the PIM 22 does

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not communicate the identity of an entity (the DSI 30 or any
other entity) to a user terminal to enable the user terminal to
request the transmission of specified content from that entity
(or another entity with which that entity communicates).

The above-discussed teaching of Kenner et al., and the
remarks in the previous Office Action response regarding that
teaching, have not been addressed in the present Office Action.
Instead, the present Office Action merely repeats the contention
from the previous Office Action that "Kenner discloses
communications between [a] web server and [a] user terminal for
transmitting web page and video clips to the user terminal [see
Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49]." Even
assuming arguendo that Kenner et al. do so teach, such teaching
does not constitute teaching or suggestion of the "means for
communicating to [a] client the identity of a node server"
recited in Claim 1. Column 22, line 63 to column 23, line 49 of
the Kenner et al. patent states:

> The user can, using the browser software 82 on the user
> terminal 50, browse the Web, accessing Web pages and
> selecting links as is known in the art. At some point,
> the user may wish to access a video clip handled by the
> subscription service. This is done by accessing a Web
> page on a content provider's Web server 83 or
> elsewhere. The desired clip may or may not be among
> those the user has subscribed to.
>
> The content provider's Web server 83 can automatically,
> on the basis of a combination of the user's and the
> ISP's subscription parameters known to the content
> provider, create customized Web pages for each user.
> This procedure is known in the art. Preferably, the
> custom Web pages can be created on the ISP's regional
> Web server 68 (part of the PIM 64). Such an action can
> be undertaken at regular intervals, for example daily
> or whenever new content is made available to the
> system, or immediately upon access by a user. By

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accessing custom Web pages, the user will be informed
of what subscription content is available, based on
subscription information, contained in the user
database discussed above. In this way, the ISP can
create a "video guide" set of Web pages containing
information the user is interested in, including
subscribed-to video clips. The information contained
in the ISP's "video guide" can be integrated with the
information stored on the user's local SRU 51, thereby
providing a seamless view of all content available. By
selecting a link on the custom Web pages, the user can
request a Web page containing subscription content,
which will then be delivered by the system of the
invention, even if it is not present within the user's
region 81.

At that time, the ISP's Web server 68 (or other Web
server 83 or 93) begins to transmit the Web page to the
user terminal 50 via traditional means over the
Internet 56. Accordingly, data moves from the server
(e.g. server 83) to the corresponding router 86 to the
Internet 56 (across potentially many nodes) to the
user's ISP's router 112 to the head-end communication
interface 54, and eventually to the terminal 50. A
reference to a desired clip is embedded within the HTML
of the Web page. When the user's browser 82, e.g.
Netscape Navigator, receives the reference, supplied
for example within an EMBED tag, an immediate request
is made of the Web server 83 to transmit the embedded
file.

The type or format of the embedded file is analyzed by
the browser 82. Typically, this is indicated by an
extension on the filename of the embedded file and is
known in the art. If the desired file is a video clip,
the local SRU 51 belonging to the terminal 50 and the
browser extension 84 are invoked to receive the data.
First, the local SRU 51 intercepts a video ID, a unique
identifier specifying the selected clip, which is
stored within the EMBED field in the Web page. The
local SRU 51 first determines if the desired clip is
already stored locally. If not, the local SRU 51
passes the video ID to the PIM 64 associated with the
user's terminal 50. The local SRU 51 then awaits
authorization from the PIM 64 to proceed with a data
transfer.

As can be seen, the foregoing section of the Kenner et al. patent

does not teach or suggest the "means for communicating to [a]

client the identity of a node server" recited in Claim 1. After

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content is requested by the user terminal 50, the next

communication the user terminal receives is a download of the

content (or a communication that the content is not available);

the user terminal 50 does not receive an identification of an

entity from which the content can be downloaded so that the user

terminal 50 can then communicate with that entity to effect the

content download. If the Examiner continues to contend that the

foregoing section of the Kenner et al. patent teaches the "means

for communicating to [a] client the identity of a node server"

recited in Claim 1, the Examiner is requested to more

particularly identify that teaching.

Further in response to Applicant's remarks in the previous

Office Action response regarding the rejection of Claim 1, the

Office Action states:

> Applicant further argues that an architecture for
> effecting the provision of content over a network as in
> Claim 1 provides advantages not provided by an
> architecture as taught by Kenner et al. For example,
> with an architecture as in Claim 1, the client can
> evaluate the capabilities of node server(s) to deliver
> content and request transmission of the content from
> node server(s) that can best provide the content to the
> client. For instance, as described in Applicant's
> specification at page 27, lines 16-35, the client can
> determine topological proximity of node server(s),
> evaluate the bandwidth and/or latency performance of
> node server(s), consider other scheduled content
> delivery by node server(s), and/or analyze (e.g., trend
> analysis) operation of node server(s), then select node
> server(s) for delivery of content to the client based
> on one or more of those evaluations [see Remarks,
> Page 6].
>
> The examiner respectfully disagrees. In response to
> applicant's argument that the references fail to show
> certain features of applicant's invention, it is noted
> that the features upon which applicant relies (i.e.,
> the client can evaluate the capabilities of node
> server(s) to deliver content and request transmission

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of the content from node server(s) that can best
provide the content to the client. For instance, as
described in Applicant's specification at page 27,
lines 16-35, the client can determine topological
proximity of node server(s), evaluate the bandwidth
and/or latency performance of node server(s), consider
other scheduled content delivery by node server(s),
and/or analyze (e.g., trend analysis) operation of node
server(s), then select node server(s) for delivery of
content to the client based on one or more of those
evaluations) <u>are not recited in the rejected claims.
Although the claims are interpreted in light of the
specification, limitations from the specification are
not read into the claims</u>. See In re Van Guens, 988
F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that if the features upon which applicant
relies are not recited in the rejected claim 1 as
argued by the applicant, then an architecture for
effecting the provision of content over a network as in
claim 1 cannot provides advantages over an architecture
as taught by Kenner.

In the previous Office Action response, Applicant stated

that "[a]n architecture for effecting the provision of content

over a network as in Claim 1 provides advantages not provided by

an architecture as taught by Kenner et al." Applicant then

identified advantageous capabilities that are enabled by that

architecture. Applicant did not argue that those capabilities

are recited in Claim 1, and the statements in the Office Action

to the contrary misrepresent Applicant's remarks in the previous

Office Action response. Rather, Applicant noted that the

architecture for effecting the provision of content over a

network as in Claim 1 (i.e., apparatus that includes "means for

communicating to [a] client the identity of a node server having

... specified content stored thereon, thereby enabling the client

to request transmission of the specified content from the node

server") enables, for example, the client to evaluate the

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capabilities of node server(s) to deliver content and request transmission of the content from node server(s) that can best provide the content to the client (e.g., the client can determine topological proximity of node server(s), evaluate the bandwidth and/or latency performance of node server(s), consider other scheduled content delivery by node server(s), and/or analyze operation of node server(s), then select node server(s) for delivery of content to the client based on one or more of those evaluations). Applicant identified these advantageous capabilities, which are not enabled by the invention taught by Kenner et al., to highlight the aspect of Claim 1 not taught or suggested by Kenner et al. (as had been previously discussed), i.e., means for communicating to a client the identity of a node server having requested content stored thereon.

Further in response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 1, the Office Action states:

> Applicant also argues that Kenner does not teach or suggest "an owner of a node server can be offered an incentive as compensation for transmission of specified content to a client" as recited in claim 1 [see Remarks, Pages 7-9].
>
> The examiner respectfully disagrees. Kenner further teaches means for ascertaining that the node server transmitted the specified content to the client. That is, Kenner discloses locating audio/video content on servers to transmit to the users [see Kenner, Col. 5, Lines 16-64]. Last but not least, Kenner does teach an owner of the node server is offered an incentive as compensation for transmission of the specified content to the client. For example, Kenner discloses, based on broadest interpretation, drug companies (owner of on-line website) placing advertisements and promotions for downloading the requested audio-visual information of their products [see Kenner, Col. 19, Lines 8-37]. In

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addition, Kenner discloses the subscription to access
to the services may be free (incentive) and some clips
might be free (incentive) with an appropriate
subscription [see Kenner, Col. 33, Lines 34-57 and Col.
34, Lines 16-28].

In the above-quoted section of the Office Action, it is
contended that "Kenner discloses locating audio/video content on
servers to transmit to the users" and that such description
constitutes teaching of means for ascertaining that a node server
transmitted specified content to a client. However, that is
clearly not the case. Locating audio/video content on servers to
transmit to the users simply is not ascertaining that a node
server transmitted specified content to a client: identifying
that a server has content stored thereon indicates nothing about
whether that server actually transmitted the content to another
entity. Moreover, whether "Kenner discloses locating audio/video
content on servers to transmit to the users" is clearly
inapposite with respect to Applicant's contention in the previous
Office Action response, discussed in the above-quoted section of
the Office Action, that "Kenner et al. also do not teach or
suggest that an owner of a node server can be offered an
incentive as compensation for transmission of specified content
to a client, as recited in Claim 1."

Further, contrary to the contention in the Office Action,
the statement at column 19, lines 35-37 of the Kenner et al.
patent that "drug companies may place advertisements about
promotional drugs on the video clips for use by the physician"
does not constitute teaching that an owner of a node server can
be offered an incentive as compensation for transmission of

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specified content to a client, as recited in Claim 1. In
Example 2 described in the Kenner et al. patent at column 19,
lines 8-37, the third party text database can be analogous to the
apparatus recited in Claim 1 (i.e., receives requests for
content), the physician can be analogous to the client recited in
Claim 1 (i.e., makes requests for content), and a drug video can
be analogous to the specified content recited in Claim 1.
However, the drug companies are not analogous to node server
owners and do not operate node servers. The drug companies do
not receive requests for content from physicians nor provide
content to physicians. To the extent that the capability of
placing an advertisement in a drug video is compensation to a
drug company, that is compensation for allowing the drug video
(which is produced by the drug company) to be provided to
physicians (i.e., compensation to a content owner for allowing
its content to be provided to others), not compensation for the
physical act of providing the drug videos to physicians (i.e.,
not compensation for transmitting specified content to others).

Additionally, the contention in the Office Action that
Kenner et al.'s teaching that "[a] subscription to access to
[s]ervices may be free (incentive) and some clips might be free
(incentive) with an appropriate subscription [see Kenner,
Col. 33, Lines 34-57 and Col. 34, Lines 16-28]" constitutes
compensation to a node server is clearly incorrect. Those
sections of the Kenner et al. patent concern aspects of
subscriptions by end users, i.e., clients. Thus, even assuming
arguendo that provision of a free subscription and/or a free clip

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is compensation, that compensation is to a client, not a node server owner as in the method of Claim 1. Moreover, such "compensation" is not given for transmitting content via a network, as is the case in the method of Claim 1.

Finally, in response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 1, the Office Action states:

> In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 1. Claims 2-20, 22-25 and 27-34 depend, either directly or indirectly, on claim 1 and are therefore rejected at least by virtue of their dependency on independent claim 1 and by other reasons set forth above.

As discussed above, Kenner et al. do not teach or suggest a method as recited in Claim 1. Further, even if Kenner et al. did teach or suggest a method as recited in Claim 1, that would not then necessarily render claims dependent on Claim 1 unpatentable over the teaching of Kenner et al., as erroneously contended in the Office Action. (In contrast, dependency on an allowable claim does make a claim allowable, as pointed out in the previous Office Action response with respect to the dependent claims of this application and again below in this Response.)

In view of the foregoing, Claim 1 is allowable over the teaching of Kenner et al. Claims 2-20, 22-25 and 27-34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable as dependent on an allowable claim.

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In response to Applicant's remarks in the previous Office
Action response regarding the rejection of Claim 35, the Office
Action states:

> In addition, applicant further argues that Kenner does
> not teach or suggest "means for communicating the
> identity of the candidate node servers to the client to
> enable the client to request transmission of the
> requested content via the network from one or more of
> the candidate node servers," as recited in claim 35
> [see Remarks, Pages 9-10].
>
> The examiner respectfully disagrees. Kenner explicitly
> teaches apparatus for effecting the provision of
> content over a network comprising means for receiving a
> request from a client for specified content. For
> example, Kenner discloses requesting and retrieving
> video clips by the user at the user multimedia terminal
> [see Kenner, Abstract and Col. 4, Lines 43-64]. In
> addition, Kenner further teaches means for
> communicating the identity of the candidate node
> servers to the client to enable the client to request
> transmission of the requested content via the network
> from one or more of the candidate node servers. For
> example, Kenner discloses communications between the
> web server and the user terminal for transmitting web
> page and video clips to the user terminal [see Kenner,
> Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49] and
> determining the closest server containing the request
> video clips and geographical distribution [see Kenner,
> Fig. 4 and Abstract and Col. 5, Lines 39-64 and
> Col. 16, Lines 14-61 and Col. 23, Lines 3-65].
>
> In view of the foregoing, the examiner asserts that the
> cited reference (Kenner et al, U.S. Pat. No. 5,956,716)
> does teach or suggest the subject matter recited in
> independent claim 35. Claims 36-51 depend, either
> directly or indirectly, on claim 35 and are therefore
> rejected at least by virtue of their dependency on
> independent claim 35 and by other reasons set forth
> above.

For reasons as discussed above with respect to Claim 1,
Kenner et al. do not teach or suggest "means for communicating
the identity of candidate node servers to [a] client to enable
the client to request transmission of ... requested content via
[a] network from one or more of the candidate node servers," as

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recited in Claim 35. In view of the foregoing, Claim 35 is
allowable over the teaching of Kenner et al. Claims 36-51 each
depend, either directly or indirectly, on Claim 35 and are
therefore allowable as dependent on an allowable claim.

In response to Applicant's remarks in the previous Office
Action response regarding the rejection of Claim 52, the Office
Action states:

> Similarly, applicant repeatedly argues that Kenner does
> not teach or suggest "means for communicating the
> identity of the candidate node servers to the client to
> enable the client to request transmission of the
> requested content via the network from one or more of
> the candidate node servers" as recited in Claim 52 [see
> Remarks, Pages 11-12].
>
> The examiner respectfully disagrees. Kenner explicitly
> teaches apparatus for effecting the provision of
> content over a network comprising means for receiving a
> request from a client for specified content. For
> example, Kenner discloses requesting and retrieving
> video clips by the user at the user multimedia terminal
> [see Kenner, Abstract and Col. 4, Lines 43-64]. In
> addition, Kenner further teaches means for
> communicating the identity of the candidate node
> servers to the client to enable the client to request
> transmission of the requested content via the network
> from one or more of the candidate node servers. For
> example, Kenner discloses communications between the
> web server and the user terminal and the web server for
> requesting contents [see Kenner, Fig. 4 and Col. 22,
> Line 63 to Col. 23, Line 49].
>
> In view of the foregoing, the examiner asserts that the
> cited reference (Kenner et al, U.S. Pat. No. 5,956,716)
> does teach or suggest the subject matter recited in
> independent claim 52. Claims 53-68 depend, either
> directly or indirectly, on claim 52 and are therefore
> rejected at least by virtue of their dependency on
> independent claim 52 and by other reasons set forth
> above.

For reasons as discussed above with respect to Claim 1,
Kenner et al. do not teach or suggest "means for communicating
the identity of ... candidate node servers to [a] client to

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enable the client to request transmission of ... requested content via [a] network from one or more of the candidate node servers," as recited in Claim 52. In view of the foregoing, Claim 52 is allowable over the teaching of Kenner et al. Claims 53-68 each depend, either directly or indirectly, on Claim 52 and are therefore allowable as dependent on an allowable claim.

In response to Applicant's remarks in the previous Office Action response regarding the rejection of Claim 69, the Office Action states:

> Similarly, applicant repeatedly argues that Kenner does not teach or suggest "means for communicating the identity of the candidate node server television set-top boxes to the client television set-top box to enable the client television set-top box to request transmission of the requested content via the network from one or more of the candidate node server television set top boxes," as recited in Claim 69 [see Remarks, Pages 12-13].
>
> The examiner respectfully disagrees. Kenner explicitly teaches apparatus for effecting the provision of content over a network comprising means for receiving a request from a client for specified content. For example, Kenner discloses requesting and retrieving video clips by the user at the user multimedia terminal [see Kenner, Abstract and Col. 4, Lines 43-64]. In addition, Kenner further teaches means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers. For example, Kenner discloses communications between the web server and the user terminal and the web server for requesting contents [see Kenner, Fig. 4 and Col. 22, Line 63 to Col. 23, Line 49].
>
> In view of the foregoing, the examiner asserts that the cited reference (Kenner et al, U.S. Pat. No. 5,956,716) does teach or suggest the subject matter recited in independent claim 69. Claims 70-76 depend, either directly or indirectly, on claim 69 and are therefore rejected at least by virtue of their dependency on independent claim 69 and by other reasons set forth above.

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For reasons as discussed above with respect to Claim 1, Kenner et al. do not teach or suggest "means for communicating the identity of ... candidate node server television set-top boxes to [a] client television set-top box to enable the client television set-top box to request transmission of ... requested content via [a] network from one or more of the candidate node server television set-top boxes," as recited in Claim 69. In view of the foregoing, Claim 69 is allowable over the teaching of Kenner et al. Claims 70-76 each depend, either directly or indirectly, on Claim 69 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 77, the Office Action stated that "Claim 77 is rejected under the same rationale set forth above to claim 1." Claim 77 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 1. Claims 78-94 each depend, either directly or indirectly, on Claim 77 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 95, the Office Action stated that "Claim 95 is rejected under the same rationale set forth above to claim 35." Claim 95 is allowable over the teaching of Kenner et al. for the same reasons as given above with respect to Claim 35. Claims 96-107 each depend, either directly or indirectly, on Claim 95 and are therefore allowable as dependent on an allowable claim.

Regarding Claim 108, the Office Action stated that "Claim 108 is rejected under the same rationale set forth above to claim 52." Claim 108 is allowable over the teaching of Kenner

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et al. for the same reasons as given above with respect to
Claim 52.   Claims 109-120 each depend, either directly or
indirectly, on Claim 108 and are therefore allowable as dependent
on an allowable claim.

Regarding Claim 121, the Office Action stated that
"Claim 121 is rejected under the same rationale set forth above
to claim 1." Claim 121 is allowable over the teaching of Kenner
et al. for the same reasons as given above with respect to
Claim 1.

Regarding Claim 122, the Office Action stated that
"Claim 122 is rejected under the same rationale set forth above
to claim 35." Claim 122 is allowable over the teaching of Kenner
et al. for the same reasons as given above with respect to
Claim 35.

Regarding Claim 123, the Office Action stated that
"Claim 123 is rejected under the same rationale set forth above
to claim 52." Claim 123 is allowable over the teaching of Kenner
et al. for the same reasons as given above with respect to
Claim 52.

In view of the foregoing, it is requested that the rejection
of Claims 1-20, 22-25, 27-33 and 35-123 under 35 U.S.C. § 102 be
withdrawn.

Rejection of Claims under 35 U.S.C. § 103

In the Office Action, Claims 21, 26 and 34 were rejected
under 35 U.S.C. § 103 as unpatentable over Kenner et al. (U.S.
Patent No. 5,956,716).

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Claims 21, 26 and 34 each depend, either directly or indirectly, on Claim 1 and are therefore allowable over the teaching of Kenner et al. for at least the reasons given above with respect to Claim 1.

In view of the foregoing, it is requested that the rejection of Claims 21, 26 and 34 under 35 U.S.C. § 103 be withdrawn.

New Claims

Claims 124-127 have been added.

Claim 124 recites:

Apparatus for effecting the provision of content over a network, comprising:
    a receiver, wherein:
        the receiver is adapted to receive a request from a client for specified content; and
        the receiver is adapted to receive an identification of a node server that transmitted the specified content to the client, wherein an owner of the node server so identified is offered an incentive as compensation for transmission of the specified content to the client; and
    a transmitter, wherein the transmitter is adapted to communicate to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server so identified.

For reasons similar to those discussed above, Kenner et al. do not teach or suggest "[a]pparatus for effecting the provision of content over a network, comprising ... a transmitter ... adapted to communicate to [a] client the identity of a node server having ... specified content [requested by the client] stored thereon, thereby enabling the client to request transmission of the specified content from the node server so

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identified," as recited in Claim 124. Likewise, for reasons
similar to those discussed above, Kenner et al. also do not teach
or suggest that an owner of a node server identified, using a
receiver of the apparatus, as having transmitted the specified
content to the client is offered an incentive as compensation for
transmission of the specified content to the client, as recited
in Claim 124. Thus, Claim 124 is allowable.

Claim 125 recites:

> Apparatus for effecting the provision of content
> over a network, comprising:
>   a receiver, wherein the receiver is adapted
> to receive a request for content from a client;
>   a processor, wherein:
>   the processor is adapted to determine
>   the location of the client within the
>   network;
>   the processor is adapted to identify the
>   location of a plurality of node servers
>   within the network that have at least part of
>   the requested content stored thereon; and
>   the processor is adapted to select from
>   the plurality of node servers one or more
>   candidate node servers that are determined to
>   be topologically proximate to the client; and
>   a transmitter, wherein the transmitter is
> adapted to communicate the identity of the
> candidate node servers to the client to enable the
> client to request transmission of the requested
> content via the network from one or more of the
> candidate node servers.

For reasons similar to those discussed above, Kenner et al.
do not teach or suggest "[a]pparatus for effecting the provision
of content over a network, comprising ... a transmitter ...
adapted to communicate the identity of ... candidate node servers
to [a] client to enable the client to request transmission of ...
requested content via the network from one or more of the

candidate node servers," as recited in Claim 125. Thus,
Claim 125 is allowable.

Claim 126 recites:

Apparatus for effecting the provision of content
over a network, comprising:
a receiver, wherein the receiver is adapted
to receive a request from a client that is part of
the network for transmission of a set of content
to the client, wherein at least part of the
requested set of content is stored on redundant
node servers;
a processor, wherein:
the processor is adapted to identify
which of a plurality of sets of content or
parts of the plurality of sets of content are
stored by each of a plurality of node servers
that are part of the network, at least one of
the plurality of sets of content or parts of
the plurality of sets of content being stored
on redundant node servers; and
the processor is adapted to select from
the plurality of node servers one or more
candidate node servers that have stored
thereon at least part of the requested set of
content; and
a transmitter, wherein the transmitter is
adapted to communicate the identity of the
candidate node servers to the client to enable the
client to request transmission of the requested
content via the network from one or more of the
candidate node servers.

For reasons similar to those discussed above, Kenner et al.
do not teach or suggest "[a]pparatus for effecting the provision
of content over a network, comprising ... a transmitter ...
adapted to communicate the identity of ... candidate node servers
to [a] client to enable the client to request transmission of ...
requested content via the network from one or more of the
candidate node servers," as recited in Claim 126. Thus,
Claim 126 is allowable.

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Claim 127 recites:

> Apparatus for effecting the provision of content over a television network, comprising:
> a receiver, wherein the receiver is adapted to receive a request from a client television set-top box that is part of the network for transmission of a set of content to the client television set-top box, wherein at least part of the requested set of content is stored on one or more node server television set-top boxes;
> a processor, wherein:
> the processor is adapted to identify which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node server television set-top boxes that are part of the network; and
> the processor is adapted to select from the one or more node server television set-top boxes one or more candidate node server television set-top boxes; and
> a transmitter, wherein the transmitter is adapted to communicate the identity of the candidate node server television set-top boxes to the client television set-top box to enable the client television set-top box to request transmission of the requested content via the network from one or more of the candidate node server television set-top boxes.

For reasons similar to those discussed above, Kenner et al. do not teach or suggest "[a]pparatus for effecting the provision of content over a television network, comprising ... a transmitter ... adapted to communicate the identity of ... candidate node server television set-top boxes to [a] client television set-top box to enable the client television set-top box to request transmission of ... requested content via the network from one or more of the candidate node server television set-top boxes," as recited in Claim 127. Thus, Claim 127 is allowable.

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<u>CONCLUSION</u>

Claims 1-123 were pending and were rejected. Claims 124-127 have been added. In view of the foregoing, it is requested that Claims 1-127 be allowed. If the Examiner wants to discuss any aspect of this application, the Examiner is invited to telephone Applicant's undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 2155, facsimile number (571) 273-8300, on <u>December 1, 2006</u>.

12-1-06   David R. Graham
Date   Signature

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

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TRAN, PHILIP B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/717,184	BLUMENAU, TREVOR I.
	Examiner	**Art Unit**	
	Philip B. Tran	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-127* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-34,77-94,121 and 124* is/are allowed.

6)☒ Claim(s) *35-38,40-55,57-76,95-111, 113-120,122,123 and 125-127* is/are rejected.

7)☒ Claim(s) *39,56 and 112* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090131

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Art Unit: 2455

Response to Request for Reconsideration

Notice to Applicant

1.   This communication is in response to request for reconsideration filed 25 August

2008. No claims has been amended or added. Therefore, claims 1-127 are pending for

further examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 35-38, 40-55, 57-76, 95-111, 113-120, 122-123 and 125-127 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Kenner et al (Hereafter, Kenner),

U.S. Pat. No. 5,956,716 in view of Guenthner et al (Hereafter, Guenthner), U. S. Pat.

No. 6,134,588.

Regarding claim 35, Kenner teaches apparatus for effecting the provision of

content over a network, comprising:

means for receiving a request for content from a client (i.e., requesting and

retrieving video clips by the user at the user multimedia terminal) [see Abstract and Col.

4, Lines 43-64]; and

means for determining the location of the client within the network, means for

identifying the location of a plurality of node servers within the network that have at least

part of the requested content stored thereon (i.e., attaching the Regional Identifier

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(Regional ID) to the query and using the Regional ID to efficiently determine from

among many remote Index Managers (IMs) 34, which remote IM 34 contains the

requested video segments) [see Fig. 3 and Col. 16, Lines 14-38 and Col. 18, Lines 26-

53], and

     means for selecting from the plurality of node servers one or more candidate

node servers that are determined to be topologically proximate to the client (i.e.,

determining the closest server containing the request video clips and geographical

distribution) [see Fig. 4 and Abstract and Col. 5, Lines 39-64 and Col. 16, Lines 14-61

and Col. 23, Lines 3-65].

     In addition, Kenner further teach enabling the client to request transmission of

the requested content via the network from one or more of the candidate node servers

(i.e., communicating between the web server and the user terminal for transmitting web

page and video clips to the user terminal) [see Fig. 4 and Col. 22, Line 63 to Col. 23,

Line 49].

     Kenner does not explicitly teach means for communicating the identity of the

candidate node servers to the client. However, Guenthner, in the same field of client-

server communication for accessing the Web servers that host content requested by the

Web browser endeavor, discloses using a list of IP addresses that are returned to the

Web client upon an HTTP request wherein each of these IP addresses identifies a

server that hosts the particular content that the user of the Web client has requested

[see Guenthner, Fig. 3 and Col. 4, Lines 24-42]. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to incorporate the teaching

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of Guenthner into the teaching of Kenner in order enable the client efficiently to request

and obtain the specified content stored in a particular server by using the identity of the

particular server.

Regarding claims 36-38, Kenner further teaches wherein the determination of

topological proximity to the client is performed using a breadth-first search to identify

node servers that satisfy a criterion regarding topological proximity to the client, and

further comprising means for storing a topological database including a topological map

of the network, wherein the means for selecting uses the topological map in making

determinations of topological proximity to the client, wherein the topological database

further includes data regarding bandwidth capacity and/or latency between at least

some of the network sites included in the topological map [see Fig. 4 and Col. 23, Lines

3-65].

Regarding claims 40-42, Kenner further teaches means for identifying a network

site that will act as a node server for distribution of specified content, and means for

providing the specified content to the node server, means for identifying the location of a

prospective node server that desires to act as a node server for distribution of the

specified content, means for identifying the location of one or more other existing node

Servers that can act as a node server for distribution of the specified content, means for

determining the topological proximity of the prospective node server to the existing node

servers, wherein the prospective node server is selected as a node server for

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distribution of the specified content if the prospective node server satisfies a criterion

regarding topological proximity to the existing node servers, wherein the means for

determining the topological proximity of the prospective node server to the existing node

servers is performed using an annealing method [see Fig. 4 and Col. 23, Lines 3-65].

        Regarding claims 43-45, Kenner further teaches means for storing data

identifying available content that can be obtained by a client, and means for providing

an identification of available content to the client, and means for storing data identifying

content stored by the plurality of node servers, and wherein the content comprises

visual content including moving images [see Fig. 4 and Col. 4, Line 43 to Col. 6, Line

16].

        Regarding claims 46-48, Kenner further teaches wherein the network is a

computer network, wherein the network is the Internet, and wherein the network is a

television network [see Fig. 4 and Col. 8, Lines 14-50].

        Regarding claims 49-51, Kenner further teaches wherein the apparatus is a core

server, the system further comprising one of the plurality of node servers, the node

server comprising means for storing at least part of the requested content, means for

receiving a request to transmit content to the client, and means for transmitting the

requested content to the client and the client comprising means for transmitting a

request for content to the core server, means for receiving the identity of one or more

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candidate node servers from the core server, means for selecting one or more of the

candidate node servers from which to obtain content, means for transmitting a request

to a selected node server to transmit content to the client, and means for receiving

content in response to the request transmitted to the node server [see Fig. 4 and

Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

   Regarding claim 52, Kenner teaches apparatus for effecting the provision of

content over a network, comprising:

   means for identifying which of a plurality of sets of content or parts of the plurality

of sets of content are stored by each of a plurality of node servers that are part of the

network, wherein at least one of the plurality of sets of content or parts of the plurality of

sets of content is stored on redundant node servers (i.e., attaching the Regional

Identifier (Regional ID) to the query and using the Regional ID to efficiently determine

from among many remote Index Managers (IMs) 34, which remote IM 34 contains the

requested video segments) [see Fig. 3 and Col. 16, Lines 14-38 and Col. 18, Lines 26-

53];

   means for receiving a request from a client that is part of the network for

transmission of a set of content to the client, wherein at least part of the requested set

of content is stored on redundant node servers (i.e., requesting and retrieving video

clips by the user at the user multimedia terminal) [see Abstract and Col. 4, Lines 43-64];

   means for selecting from the plurality of node servers one or more candidate

node servers that have stored thereon at least part of the requested set of content (i.e.,

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determining the closest server containing the request video clips and geographical

distribution) [see Fig. 4 and Abstract and Col. 5, Lines 39-64 and Col. 16, Lines 14-61

and Col. 23, Lines 3-65].

In addition, Kenner further teach enabling the client to request transmission of

the requested content via the network from one or more of the candidate node servers

(i.e., communicating between the web server and the user terminal for transmitting web

page and video clips to the user terminal) [see Fig. 4 and Col. 22, Line 63 to Col. 23,

Line 49].

Kenner does not explicitly teach means for communicating the identity of the

candidate node servers to the client. However, Guenthner, in the same field of client-

server communication for accessing the Web servers that host content requested by the

Web browser endeavor, discloses using a list of IP addresses that are returned to the

Web client upon an HTTP request wherein each of these IP addresses identifies a

server that hosts the particular content that the user of the Web client has requested

[see Guenthner, Fig. 3 and Col. 4, Lines 24-42]. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to incorporate the teaching

of Guenthner into the teaching of Kenner in order enable the client efficiently to request

and obtain the specified content stored in a particular server by using the identity of the

particular server.

Regarding claims 53-55, Kenner further teaches wherein the candidate node

servers do not include all of the redundant node servers on which requested content is

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stored, and further comprising means for storing data representing a topological map of

the network and means for determining the location of the client within the network, and

wherein the means for selecting one or more candidate node servers further comprises

means for selecting one or more candidate node servers that are determined to be

topologically proximate to the client, wherein the determination of topological proximity

to the client is performed using a breadth-first search to identify node servers that

satisfy a criterion regarding topological proximity to the client [see Fig. 4 and Abstract

and Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

Regarding claims 57-59, Kenner further teaches means for identifying a network

site that will act as a node server for distribution of specified content, and means for

providing the specified content to the node server, means for identifying the location of a

prospective node server that desires to act as a node server for distribution of the

specified content, means for identifying the location of one or more other existing node

servers that can act as a node server for distribution of the specified content, means for

determining the topological proximity of the prospective node server to the existing node

servers, wherein the prospective node server is selected as a node server for

distribution of the specified content if the prospective node server satisfies a criterion

regarding topological proximity to the existing node servers, wherein the means

for determining the topological proximity of the prospective node server to the existing

node servers is performed using an annealing method [see Fig. 4, and Abstract and

Col. 16, Lines 14-61 and Col. 23, Lines 3-65].

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Regarding claims 60-62, Kenner further teaches means for storing data identifying available sets of content that can be obtained by a client, and means for providing an identification of available sets of content to the client, means for storing data identifying which of the plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node servers, wherein the content comprises visual content including moving images [see Fig. 4 and Col. 4, Line 43 to Col. 6, Line 16].

Regarding claims 63-65, Kenner further teaches wherein the network is a computer network, wherein the network is the Internet, and wherein the network is a television network [see Fig. 4 and Col. 8, Lines 14-50].

Regarding claims 66-68, Kenner further teaches the node server comprising means for storing a set of content or part of a set of content, means for receiving a request to transmit a set of content or part of a set of content to the client, and means for transmitting the requested set of content or part of a set of content to the client and the client comprising means for transmitting a request for a set of content to the core server, means for receiving the identity of one or more candidate node servers from the core server, means for selecting one or more of the candidate node servers from which to obtain content, means for transmitting a request to a node server to transmit a set of content or part of a set of content to the client, and means for receiving a set of content

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or part of a set of content in response to the request transmitted to the node server [see

Fig. 4 and Abstract and Col. 5, Lines 17-64 and Col. 23, Lines 3-65].

Claim 69 is rejected under the same rationale set forth above to claim 52. In

addition, Kenner further teaches a television set top box [see Col. 8, Lines 14-25 and

Col. 21, Lines 19-35].

Regarding claim 70, Kenner further teaches apparatus as in claim 69, further

comprising means for ascertaining which node server television set-top boxes

transmitted content to the client television set-top box and which content each node

server television set-top box transmitted [see Col. 5, Lines 16-64 and Col. 8, Lines 14-

25 and Col. 21, Lines 19-35].

Claims 71-72 are rejected under the same rationale set forth above to claims 57-

59.

Regarding claim 73, Kenner further teaches the content comprises visual content

including moving images [see Col. 6, Lines 1-16].

Claims 74-76 are rejected under the same rationale set forth above to claims 66-

68.

Claim 95 is rejected under the same rationale set forth above to claim 35.

Claims 96-98 are rejected under the same rationale set forth above to claims 36-

38.

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Claim 99 is rejected under the same rationale set forth above to claim 39.

Claims 100-102 are rejected under the same rationale set forth above to claims 40-42.

Claims 103-104 are rejected under the same rationale set forth above to claims 43-45.

Claims 105-107 are rejected under the same rationale set forth above to claims 49-51.

Claim 108 is rejected under the same rationale set forth above to claim 52.

Claims 109-111 are rejected under the same rationale set forth above to claims 53-55.

Claims 113-115 are rejected under the same rationale set forth above to claims 57-59.

Claims 116-117 are rejected under the same rationale set forth above to claims 60-62.

Claims 118-120 are rejected under the same rationale set forth above to claims 66-68.

Claim 122 is rejected under the same rationale set forth above to claim 35.

Claim 123 is rejected under the same rationale set forth above to claim 52.

Claim 125 is rejected under the same rationale set forth above to claim 35.

Claim 126 is rejected under the same rationale set forth above to claim 52.

Claim 127 is rejected under the same rationale set forth above to claim 69.

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Allowable Subject Matter

4.   Claims 1-34, 77-94, 121 and 124 are allowed.

5.   Claims 39, 56 and 112 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Response to Arguments

6.   Claims 1-34, 77-94, 121 and 124 are allowed over prior art of record and claims

39, 56 and 112 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims. Therefore, applicant's arguments are moot

(especially for claims 1, 121, 124 and dependent claims of claim 1).

7.   Further, applicant's arguments have been fully considered but they are not

persuasive because of the following reasons:

   Applicant argues that Kenner does not teach a client requests transmission of

content from a node server [see pages 6-8 of Remarks].

   The examiner respectfully disagrees. Based on the reasonable broadest

interpretation, the node server is just a server that distributes content to the clients.

Therefore, Kenner does teach enabling the client to request transmission of the

requested content via the network from one or more of the candidate node server. That

is, communicating between the web server and the user terminal for transmitting web

page and video clips to the user terminal [see Kenner, Fig. 4 and Col. 22, Line 63 to

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Col. 23, Line 49]. The claim limitation does not explicitly distinguish the functionality of

node server and core server and does not explicitly require indirect or direct distribution

of content to clients.

On the other hand, Guenthner, in the same field of client-server communication

for accessing the Web servers that host content requested by the Web browser

endeavor, discloses using a list of IP addresses that are returned to the Web client upon

an HTTP request wherein each of these IP addresses identifies a server that hosts the

particular content that the user of the Web client has requested [see Guenthner, Fig. 3

and Col. 4, Lines 24-42]. It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to incorporate the teaching of Guenthner into the

teaching of Kenner in order enable the client efficiently to request and obtain the

specified content stored in a particular server by using the identity of the particular

server.

In view of the foregoing, the examiner asserts that the combination of cited

references (combination of Kenner et al, U.S. Pat. No. 5,956,716 and Guenthner et al,

U. S. Pat. No. 6,134,588) still teaches or suggests the subject matter recited in

independent claims 35, 52, 69, 95, 108, 122, 123, 125-127. Accordingly, the examiner

respectfully maintains the rejections for claims 35-76, 95-111, 113-120, 122-123 and

125-127 as shown above.

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Conclusion

8.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CAR 1.136(a).

> A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS
> SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION.
> IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE
> MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT
> MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED
> STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL
> EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY
> EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED
> FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT,
> HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN
> SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (571) 272-3991.

The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on

(571) 272-4006.

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10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Feb 1, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,184	11/20/2000	Trevor I. Blumenau	BLU-005	9528

7590   03/17/2009

David R. Graham
1337 Chewpon Avenue
Milpitas, CA 95035

EXAMINER
TRAN, PHILIP B

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/717,184	BLUMENAU, TREVOR I.
	Examiner	**Art Unit**	
	Philip B. Tran	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34,39,56,77-94,99,112,121,124 and 128-192* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *77-94,99 and 112* is/are allowed.

6)☒ Claim(s) *1-34, 39, 56, 121, 124, 128-192* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The analysis under 35 U.S.C. 112, first paragraph, requires that the scope of protection sought be supported by the specification disclosure. The pertinent inquiries include determining (1) whether the subject matter defined in the claims is described in the specification and (2) whether the specification disclosure as a whole is to enable one skilled in the art to make and use the claimed invention. However, the examiner only concentrates on the first determination.

(1) Claims 124 (independent claim) and 128-160 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The "invention" for the purpose of the first paragraph analysis is defined by the claims. The description requirement is simply that the claimed subject matter must be described in the specification. The function of the description requirement is to ensure that the applicant had possession of the invention on the filing date of the application. The application need not describe the claim limitations exactly, but must be sufficiently clear for one of ordinary skill in the art to recognize that the applicant's invention

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encompasses the recited limitations. The description requirement is not met if the

application does not expressly or inherently disclose the claimed invention.

Specification does not explicitly describe nor is sufficiently clear for one of

ordinary skill in art to recognize the following steps as recited in independent claim 124:

- "… **a receiver**... and **a transmitter**…"

Applicant does not cites anywhere in the present application specification

indicating that "… **a receiver**… and **a transmitter**…" Thus it is unclear how the present

specification can supports the claimed limitations "… **a receiver** … and **a transmitter**

…" in claim 124.

Therefore, claims 124 (independent claim) and 128-160 are unclear that the one

ordinarily skilled in the art cannot recognize the encompassed claimed limitations.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-34, 39, 56, 124 and 128-160 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Regarding claims 1-34, 39, 56, 124 and 128-160, it is not clear that applicant

intended to claim apparatus/device or application/software instruction.

If applicant intended to claim apparatus/device, the apparatus/device cannot be

just code/application/software instruction. Within the meaning of 101, a machine/device

is "a concrete thing, consisting of parts or of certain devices and combinations of

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devices." Burr v. Duryee, 68 U.S. (1 Wall.) 531, 570 (1863)". Therefore, claims 1-34, 39,

56, 124 and 128-160 are incomplete or inaccurate as claimed as apparatus/device.

If Applicant intended to claim application/code/software instruction, the claims 1-

34, 39, 56, 124 and 128-160 are just limited to a functional descriptive materials

consisting of application per se, instead of being defined as including tangible

embodiments (i.e., a computer-readable storage medium such as memory device,

storage medium, etc.)

Regarding claims 1-34, 39, 56, 124 and 128-160, it is not clear that "means for

receiving" and "means for communicating" and "means for ascertaining", etc. are

hardware components or software components. In case if those "means for" are

software components, it appears that claims 1-34, 39, 56, 124 and 128-160 are not

"apparatus/device" because apparatus/device cannot be just software. Therefore,

claims 1-34, 39, 56, 124 and 128-160 are incomplete or inaccurate as apparatus/

device.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 1-34, 39, 56, 124 and 128-160 are rejected under 35 U.S.C. 101 because

the claimed invention is directed to non-statutory subject matter. The claims are system

claims (e.g., claims 22-34 and 148-160 indicate that claims 1-34, 39, 56, 124 and 128-

160 are system claims). However, it is not clear that "means for receiving" and "means

for communicating" and "means for ascertaining", etc. are hardware components or

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software components, given that no explicit hardware embodiments of the "means for"

can be found in the specifications. Therefore, the claims are directed to non-statutory

subject matter. Correction is required.

5.   Claims 121 and 161-192 are also rejected under 35 U.S.C. § 101.

        As per claims 121 and 161-192, these appear to be directed toward a method or

process for effecting the provision of content cover a network. Based on Supreme Court

precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is

that a § 101 process must (1) be tied to another statutory class (such as a particular

apparatus) or (2) transform underlying subject matter (such as an article or materials) to

a different state or thing. ***Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v.***

Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972);

Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

        An example of a method claim that would not qualify as a statutory process

would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory

process, the claim should positively recite the other statutory class (the thing or product)

to which it is tied, for example by identifying the apparatus that accomplishes the

method steps, or positively recite the subject matter that is being transformed, for

example by identifying the material that is being changed to a different state. In the

instant application, applicant's method steps fail the first prong of the new Federal

Circuit decision since they are not required to be tied to another statutory class and can

be performed without the use of a particular apparatus. Furthermore, the method steps

fail to unambiguously require transformation of underlying subject matter to a different

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state or thing. The mere steps of identifying, providing, receiving, communicating and

ascertaining information is not a transformation and is not statutory subject matter.

Thus, claims 121 and 161-192 are non-statutory since they are not requisitely

tied to another statutory class and they do not requisitely transform underlying subject

matter to a different state or thing.

Response to Arguments

6.   There is no art rejection. Claims 77-94, 99 and 112 are allowable over prior art of

record. Claims 124 (independent claim) and 128-160 are rejected under 35 U.S.C. 112,

first paragraph. Claims 1-34, 39, 56, 124 and 128-160 are rejected under 35

U.S.C. 112, second paragraph. Claims 1-34, 39, 56, 121,124 and 128-192 are rejected

under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject

matter.

7.   A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS

SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS

COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR

RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C.

§ 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF

37 CAR 1.136(A).

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8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (571) 272-3991.

The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on

(571) 272-4006.

9.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Mar 14, 2009

AMENDMENT(S) TO THE CLAIMS

1.   (Currently amended) Apparatus for effecting the
provision of content over a network, comprising a core server,
the core server comprising:

        means for receiving a request from a client for
specified content;

        means for communicating to the client the identity of a
node server having the specified content stored thereon,
thereby enabling the client to request transmission of the
specified content from the node server; and

        means for ascertaining that the node server transmitted
the specified content to the client, wherein an owner of the
node server is offered an incentive as compensation for
transmission of the specified content to the client.

2.   (Original) Apparatus as in Claim 1, wherein the
incentive varies in accordance with the bandwidth and/or latency
performance of the node server in transmitting the specified
content to the client.

3.   (Original) Apparatus as in Claim 2, wherein the
incentive varies in accordance with the bandwidth and/or latency
performance of the node server relative to the bandwidth and/or
latency characteristics of one or more other node servers that
can provide the specified content to the client.

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4.   (Original) Apparatus as in Claim 1, wherein the
incentive varies in accordance with the number and/or topological
proximity of one or more other node servers that can provide the
specified content to the client.

5.   (Original) Apparatus as in Claim 1, wherein the
incentive varies in accordance with the time of day at which the
node server transmits the specified content to the client.

6.   (Original) Apparatus as in Claim 1, wherein the means
for ascertaining that the node server transmitted the specified
content to the client further comprises means for obtaining
information regarding the characteristics of the transmission of
the content.

7.   (Original) Apparatus as in Claim 6, wherein the means
for obtaining information regarding the characteristics of the
transmission of the content further comprises means for obtaining
information regarding when the content was delivered.

8.   (Original) Apparatus as in Claim 6, wherein the means
for obtaining information regarding the characteristics of the
transmission of the content further comprises means for obtaining
information regarding the bandwidth and/or latency performance
associated with the transmission of the content.

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9.   (Currently amended) Apparatus as in Claim 1, the core server further comprising:

means for identifying a plurality of node servers within the network that have at least part of the specified content stored thereon;

means for selecting from the plurality of node servers one or more candidate node servers; and

means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the specified content via the network from one or more of the candidate node servers.

10.   (Currently amended) Apparatus as in Claim 9, the core server further comprising:

means for determining the location of the client within the network;

means for identifying the locations of the plurality of node servers that have at least part of the requested content stored thereon; and

wherein the means for selecting one or more candidate node servers further comprises means for selecting from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client.

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11. (Original) Apparatus as in Claim 10, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client.

12. (Currently amended) Apparatus as in Claim 1, the core server further comprising:

        means for identifying a network site that will act as a node server for distribution of the specified content; and
        means for providing the specified content to the node server.

13. (Previously presented) Apparatus as in Claim 12, wherein the means for identifying a network site that will act as a node server for distribution of the specified content further comprises:

        means for identifying the location of a prospective node server that desires to act as a node server for distribution of the specified content;
        means for identifying the location of one or more other existing node servers that can act as a node server for distribution of the specified content; and
        means for determining the topological proximity of the prospective node server to the existing node servers, wherein the prospective node server is selected as a node server for distribution of the specified content if the

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prospective node server satisfies a criterion regarding
topological proximity to the existing node servers.

14.   (Original) Apparatus as in Claim 13, wherein the means
for determining the topological proximity of the prospective node
server to the existing node servers is performed using an
annealing method.

15.   (Currently amended) Apparatus as in Claim 1, <u>the core
server</u> further comprising:
        means for storing data identifying available content
that can be obtained by a client; and
        means for providing an identification of available
content to the client.

16.   (Currently amended) Apparatus as in Claim 1, <u>the core
server</u> further comprising means for storing data identifying the
location of the node server.

17.   (Original) Apparatus as in Claim 1, wherein the content
comprises visual content including moving images.

\   18.   (Original) Apparatus as in Claim 1, wherein the network
is a computer network.

19.   (Original) Apparatus as in Claim 18, wherein the
network is the Internet.

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20.   (Original) Apparatus as in Claim 1, wherein the network is a television network.

21.   (Original) Apparatus as in Claim 1, wherein the network is a wireless communications network.

22.   (Currently amended) A ~~system including an apparatus~~ Apparatus as in Claim 1, ~~wherein the apparatus is a core server,~~ ~~the system~~ further comprising the node server, the node server comprising:

> means for storing the specified content;
>
> means for receiving a request to transmit the specified content to the client; and
>
> means for transmitting the specified content to the client.

23.   (Currently amended) A ~~system~~ Apparatus as in Claim 22, wherein:

> the core server further comprises:
>
> > means for identifying a network site that will act as a node server for distribution of the specified content; and
> >
> > means for providing the specified content to the node server; and
>
> the node server further comprises means for receiving the specified content from the core server.

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24.   (Currently amended) A system Apparatus as in Claim 22,
wherein the core server and the node server are each implemented
at least in part in a computer.

25.   (Currently amended) A system Apparatus as in Claim 22,
wherein the node server is implemented at least in part in a
television set-top box.

26.   (Currently amended) A system Apparatus as in Claim 22,
wherein the node server is implemented at least in part in a
portable device.

27.   (Currently amended) A system Apparatus as in Claim 22,
the system further comprising the client, the client comprising:
        means for transmitting the request for the specified
    content to the core server;
        means for receiving the identity of the node server
    from the core server; and
        means for receiving the specified content from the node
    server.

28.   (Currently amended) A system Apparatus as in Claim 27,
wherein the node server and the client are each implemented at
least in part in a television set-top box.

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29. (Currently amended) ~~A system including an apparatus~~ Apparatus as in Claim 1, ~~wherein the apparatus is a core server,~~ ~~the system~~ further comprising the client, the client comprising:

  means for transmitting the request for the specified content to the core server;

  means for receiving the identity of the node server from the core server; and

  means for receiving the specified content from the node server.

30. (Currently amended) ~~A system~~ Apparatus as in Claim 29, wherein the client further comprises means for transmitting a request to the node server to transmit the specified content to the client.

31. (Currently amended) ~~A system~~ Apparatus as in Claim 29, wherein the client further comprises:

  means for monitoring the characteristics of the transmission of the specified content from the node server to obtain auditing information regarding the transmission of the specified content from the node server to the client; and

  means for transmitting the auditing information to the core server.

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32.   (Currently amended) A system Apparatus as in Claim 29, wherein the core server and the client are each implemented at least in part in a computer.

33.   (Currently amended) A system Apparatus as in Claim 29, wherein the client is implemented at least in part in a television set-top box.

34.   (Currently amended) A system Apparatus as in Claim 29, wherein the client is implemented at least in part in a portable device.

35-38.   (Canceled)

39.   (Currently amended) Apparatus for effecting the provision of content over a network, comprising a core server, the core server comprising:

        means for receiving a request for content from a client;
        means for determining the location of the client within the network;
        means for identifying the location of a plurality of node servers within the network that have at least part of the requested content stored thereon;
        means for selecting from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client;

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means for communicating the identity of the candidate
node servers to the client to enable the client to request
transmission of the requested content via the network from
one or more of the candidate node servers; and

means for ascertaining which of the one or more of the
candidate node servers transmitted requested content to the
client, wherein an owner of such node server is offered an
incentive as compensation for transmission of requested
content to the client.

40-55.   (Canceled)

56. (Currently amended) Apparatus for effecting the
provision of content over a network, comprising a core server,
the core server comprising:

means for identifying which of a plurality of sets of
content or parts of the plurality of sets of content are
stored by each of a plurality of node servers that are part
of the network, wherein at least one of the plurality of
sets of content or parts of the plurality of sets of content
is stored on redundant node servers;

means for receiving a request from a client that is
part of the network for transmission of a set of content to
the client, wherein at least part of the requested set of
content is stored on redundant node servers;

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means for selecting from the plurality of node servers one or more candidate node servers that have stored thereon at least part of the requested set of content;

means for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers; and

means for ascertaining which of the one or more of the candidate node servers transmitted requested content to the client, wherein an owner of such node server is offered an incentive as compensation for transmission of requested content to the client.

57-76.   (Canceled)

77.   (Original) A computer readable storage medium or media encoded with one or more computer programs including instructions for effecting the provision of content over a network, comprising:

instructions for receiving a request from a client for specified content;

instructions for communicating to the client the identity of a node server having the specified content stored thereon, thereby enabling the client to request transmission of the specified content from the node server; and

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instructions for ascertaining that the node server
transmitted the specified content to the client, wherein an
owner of the node server is offered an incentive as
compensation for transmission of the specified content to
the client.

78. (Original) A computer readable storage medium or media
as in Claim 77, wherein the instructions for ascertaining that
the node server transmitted the specified content to the client
further comprise instructions for obtaining information regarding
the characteristics of the transmission of the content.

79. (Original) A computer readable storage medium or media
as in Claim 78, wherein the instructions for obtaining
information regarding the characteristics of the transmission of
the content further comprise instructions for obtaining
information regarding when the content was delivered.

80. (Original) A computer readable storage medium or media
as in Claim 78, wherein the instructions for obtaining
information regarding the characteristics of the transmission of
the content further comprise instructions for obtaining
information regarding the bandwidth and/or latency performance
associated with the transmission of the content.

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81.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising:

instructions for identifying a plurality of node
servers within the network that have at least part of the
requested content stored thereon;

instructions for selecting from the plurality of node
servers one or more candidate node servers; and

instructions for communicating the identity of the
candidate node servers to the client to enable the client to
request transmission of the specified content via the
network from one or more of the candidate node servers.

82.   (Original) A computer readable storage medium or media
as in Claim 81, further comprising:

instructions for determining the location of the client
within the network;

instructions for identifying the locations of the
plurality of node servers that can act as a node server for
distribution of the specified content;

instructions for identifying the locations of the
plurality of node servers that have at least part of the
requested content stored thereon;

wherein the instructions for selecting one or more
candidate node servers further comprise instructions for
selecting from the plurality of node servers one or more
candidate node servers that are determined to be
topologically proximate to the client.

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83.   (Original) A computer readable storage medium or media
as in Claim 82, wherein the determination of topological
proximity to the client is performed using a breadth-first search
to identify node servers that satisfy a criterion regarding
topological proximity to the client.

84.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising:

       instructions for identifying a network site that will
act as a node server for distribution of the specified
content; and

       instructions for providing the specified content to the
node server.

85.   (Previously presented) A computer readable storage
medium or media as in Claim 84, wherein the instructions for
identifying a network site that will act as a node server for
distribution of the specified content further comprise:

       instructions for identifying the location of a
prospective node server that desires to act as a node server
for distribution of the specified content;

       instructions for identifying the location of one or
more other existing node servers that can act as a node
server for distribution of the specified content; and

       instructions for determining the topological proximity
of the prospective node server to the existing node servers,
wherein the prospective node server is selected as a node

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server for distribution of the specified content if the
prospective node server satisfies a criterion regarding
topological proximity to the existing node servers.

86.   (Original) A computer readable storage medium or media
as in Claim 85, wherein the instructions for determining the
topological proximity of the prospective node server to the
existing node servers comprise instructions for performing an
annealing method.

87.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising:
       instructions for storing data identifying available
sets of content that can be obtained by a client; and
       instructions for providing an identification of
available sets of content to the client.

88.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising instructions for storing data
identifying the location of the node server.

89.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising:
       instructions for storing content at a node server;
       instructions for receiving a request at a node server
to transmit content to a client; and

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instructions for transmitting content from a node
server to a client in response to a request for that
content.

90.   (Original) A computer readable storage medium or media
as in Claim 89, further comprising:

instructions for identifying a network site that will
act as a node server for distribution of the specified
content;

instructions for providing the specified content to the
node server; and

instructions for receiving at the node server the
specified content provided by the core server.

91.   (Previously presented) A computer readable storage
medium or media as in Claim 89, further comprising:

instructions for transmitting from the client a request
for specified content to the core server;

instructions for receiving at the client the identity
of a node server from the core server; and

instructions for receiving at the client the specified
content from a node server.

92.   (Original) A computer readable storage medium or media
as in Claim 77, further comprising:

instructions for transmitting from the client a request
for specified content to the core server;

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instructions for receiving at the client the identity
of a node server from the core server; and

instructions for receiving at the client the specified
content from a node server.

93.   (Original) A computer readable storage medium or media
as in Claim 92, further comprising instructions for transmitting
a request from the client to the node server to transmit
specified content to the client.

94.   (Original) A computer readable storage medium or media
as in Claim 92, further comprising:

instructions for monitoring the characteristics of the
transmission of the specified content from the node server
to obtain auditing information regarding the transmission of
the specified content from the node server to the client;
and

instructions for transmitting the auditing information
to the core server.

95-98.   (Canceled)

99.   (Previously presented) A computer readable storage
medium or media encoded with one or more computer programs
including instructions for effecting the provision of content
over a network, comprising:

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instructions for receiving a request for content from a
client;

instructions for determining the location of the client
within the network;

instructions for identifying the location of a
plurality of node servers within the network that have at
least part of the requested content stored thereon;

instructions for selecting from the plurality of node
servers one or more candidate node servers that are
determined to be topologically proximate to the client;

instructions for communicating the identity of the
candidate node servers to the client to enable the client to
request transmission of the requested content via the
network from one or more of the candidate node servers; and

instructions for ascertaining which of the one or more
of the candidate node servers transmitted requested content
to the client, wherein an owner of such node server is
offered an incentive as compensation for transmission of
requested content to the client.

100-111. (Canceled)

112. (Previously presented) A computer readable storage
medium or media encoded with one or more computer programs
including instructions for effecting the provision of content
over a network, comprising:

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instructions for identifying which of a plurality of sets of content or parts of the plurality of sets of content are stored by each of a plurality of node servers that are part of the network, wherein at least one of the plurality of sets of content or parts of the plurality of sets of content is stored on redundant node servers;

instructions for receiving a request from a client that is part of the network for transmission of a set of content to the client, wherein at least part of the requested set of content is stored on redundant node servers;

instructions for selecting from the plurality of node servers one or more candidate node servers that have stored thereon at least part of the requested set of content;

instructions for communicating the identity of the candidate node servers to the client to enable the client to request transmission of the requested content via the network from one or more of the candidate node servers; and

instructions for ascertaining which of the one or more of the candidate node servers transmitted requested content to the client, wherein an owner of such node server is offered an incentive as compensation for transmission of requested content to the client.

113-120. (Canceled)

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121. (Currently amended) A method for effecting the provision of content over a network, comprising the steps of:

identifying at a core server a network site that will act as a node server for distribution of specified content;

providing from the core server the specified content to the node server;

receiving at the core server a request from a client for the specified content;

communicating from the core server the identity of the node server to the client to enable the client to request transmission of the specified content from the node server; and

ascertaining at the core server that the node server transmitted the specified content to the client, wherein an owner of the node server is offered an incentive as compensation for transmission of the specified content to the client.

122-123. (Canceled)

124. (Currently amended) Apparatus for effecting the provision of content over a network, comprising a core server, the core server comprising:

a receiver, wherein:

the receiver is adapted to receive a request from a client for specified content; and

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the receiver is adapted to receive an

identification of a node server that transmitted the

specified content to the client, wherein an owner of

the node server so identified is offered an incentive

as compensation for transmission of the specified

content to the client; and

a transmitter, wherein the transmitter is adapted to

communicate to the client the identity of a node server

having the specified content stored thereon, thereby

enabling the client to request transmission of the specified

content from the node server so identified.

125-127.   (Canceled)

128. (Previously presented) Apparatus as in Claim 124,
wherein the incentive varies in accordance with the bandwidth
and/or latency performance of the node server in transmitting the
specified content to the client.

129. (Previously presented) Apparatus as in Claim 128,
wherein the incentive varies in accordance with the bandwidth
and/or latency performance of the node server relative to the
bandwidth and/or latency characteristics of one or more other
node servers that can provide the specified content to the
client.

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130. (Previously presented) Apparatus as in Claim 124, wherein the incentive varies in accordance with the number and/or topological proximity of one or more other node servers that can provide the specified content to the client.

131. (Previously presented) Apparatus as in Claim 124, wherein the incentive varies in accordance with the time of day at which the node server transmits the specified content to the client.

132. (Currently amended) Apparatus as in Claim 124, <u>the core server</u> further comprising computational apparatus, wherein the receiver, transmitter and/or computational apparatus are further adapted to obtain information regarding the characteristics of the transmission of the content.

133. (Previously presented) Apparatus as in Claim 132, wherein the information regarding the characteristics of the transmission of the content comprises information regarding when the content was delivered.

134. (Previously presented) Apparatus as in Claim 132, wherein the information regarding the characteristics of the transmission of the content comprises information regarding the bandwidth and/or latency performance associated with the transmission of the content.

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135. (Currently amended) Apparatus as in Claim 124, wherein:

the receiver is further adapted to receive an identification of a plurality of node servers within the network that can act as a node server for distribution of the specified content;

the ~~apparatus~~ core server further comprises computational apparatus adapted to select from the plurality of node servers one or more candidate node servers; and

the transmitter is further adapted to communicate the identity of the candidate node servers to the client to enable the client to request transmission of the specified content via the network from one of the candidate node servers.

136. (Previously presented) Apparatus as in Claim 135, wherein:

the receiver is further adapted to receive an identification of the locations of the plurality of node servers that can act as a node server for distribution of the specified content;

the receiver, transmitter and/or computational apparatus are further adapted to determine the location of the client within the network; and

the computational apparatus is further adapted to select from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client.

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137. (Previously presented) Apparatus as in Claim 136, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client.

138. (Currently amended) Apparatus as in Claim 124, the core server further comprising computational apparatus, wherein the receiver, transmitter and/or computational apparatus are adapted to identify a network site that will act as a node server for distribution of the specified content, and wherein the transmitter is further adapted to provide the specified content to the node server.

139. (Previously presented) Apparatus as in Claim 138, wherein the computational apparatus is further adapted to 1) identify the location of a prospective node server that desires to act as a node server for distribution of the specified content; ii) identify the location of one or more other existing node servers that can act as a node server for distribution of the specified content; iii) determine the topological proximity of the prospective node server to the existing node servers, wherein the prospective node server is selected as a node server for distribution of the specified content if the prospective node server satisfies a criterion regarding topological proximity to the existing node servers.

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140. (Previously presented) Apparatus as in Claim 139, wherein the determination of the topological proximity of the prospective node server to the existing node servers is performed using an annealing method.

141. (Currently amended) Apparatus as in Claim 124, the core server further comprising data storage apparatus for storing data identifying available content that can be obtained by a client, and wherein the transmitter is further adapted to provide an identification of available content to the client.

142. (Currently amended) Apparatus as in Claim 124, the core server further comprising data storage apparatus for ^U^^ring data identifying the location of the node server.

143. (Previously presented) Apparatus as in Claim 124, wherein the content comprises visual content including moving images.

144. (Previously presented) Apparatus as in Claim 124, wherein the network is a computer network.

145. (Previously presented) Apparatus as in Claim 144, wherein the network is the Internet.

146. (Previously presented) Apparatus as in Claim 124, wherein the network is a television network.

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147. (Previously presented) Apparatus as in Claim 124, wherein the network is a wireless communications network.

148. (Currently amended) ~~A system including an apparatus~~ Apparatus as in Claim 124, ~~wherein the apparatus is a core server, the system~~ further comprising the node server, the node server comprising:

data storage apparatus for storing the specified content;

a receiver adapted to receive a request to transmit the specified content to the client; and

a transmitter adapted to transmit the specified content to the client.

149. (Currently amended) ~~A system~~ Apparatus as in Claim 148, wherein:

the core server further comprises computational apparatus adapted to identify a network site that will act as a node server for distribution of the specified content, and wherein the transmitter of the core server is further adapted to provide the specified content to the node server; and

the ~~transmitter~~ receiver of the node server is further adapted to receive the specified content from the core server.

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150. (Currently amended) A system Apparatus as in Claim 148, wherein the core server and the node server are each implemented, at least in part, in a computer.

151. (Currently amended) A system Apparatus as in Claim 148, wherein the node server is implemented, at least in part, in a television set-top box.

152. (Currently amended) A system Apparatus as in Claim 148, wherein the node server is implemented, at least in part, in a portable device.

153. (Currently amended) A system Apparatus as in Claim 148, the system further comprising the client, the client comprising:
    a transmitter adapted to transmit the request for the specified content to the core server;
    a receiver adapted to receive the identity of the node server from the core server and to receive the specified content from the node server.

154. (Currently amended) A system Apparatus as in Claim 153, wherein the node server and the client are each implemented, at least in part, in a television set-top box.

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155. (Currently amended) A system including an apparatus Apparatus as in Claim 124, wherein the apparatus is a core server, the system further comprising the client, the client comprising:

a transmitter adapted to transmit the request for the specified content to the core server;

a receiver adapted to receive the identity of the node server from the core server and to receive the specified content from the node server.

156. (Currently amended) A system Apparatus as in Claim 155, wherein the transmitter of the client is further adapted to transmit a request to the node server to transmit the specified content to the client.

157. (Currently amended) A system Apparatus as in Claim 155, wherein the client further comprises computational apparatus, wherein the receiver, transmitter and/or computational apparatus of the client are adapted to monitor the characteristics of the transmission of the specified content from the node server to obtain auditing information regarding the transmission of the specified content from the node server to the client, and wherein the transmitter of the client is further adapted to transmit the auditing information to the core server.

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158. (Currently amended) A system Apparatus as in Claim 155, wherein the core server and the client are each implemented, at least in part, in a computer.

159. (Currently amended) A system Apparatus as in Claim 155, wherein the client is implemented, at least in part, in a television set-top box.

160. (Currently amended) A system Apparatus as in Claim 159, wherein the client is implemented, at least in part, in a portable device.

161. (Previously presented) A method as in Claim 121, wherein the incentive varies in accordance with the bandwidth and/or latency performance of the node server in transmitting the specified content to the client.

162. (Previously presented) A method as in Claim 161, wherein the incentive varies in accordance with the bandwidth and/or latency performance of the node server relative to the bandwidth and/or latency characteristics of one or more other node servers that can provide the specified content to the client.

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163. (Previously presented) A method as in Claim 121, wherein the incentive varies in accordance with the number and/or topological proximity of one or more other node servers that can provide the specified content to the client.

164. (Previously presented) A method as in Claim 121, wherein the incentive varies in accordance with the time of day at which the node server transmits the specified content to the client.

165. (Currently amended) A method as in Claim 121, wherein the step of ascertaining at the core server that the node server transmitted the specified content to the client comprises the step of obtaining at the core server information regarding the characteristics of the transmission of the content.

166. (Currently amended) A method as in Claim 165, wherein the step of obtaining information at the core server regarding the characteristics of the transmission of the content comprises the step of obtaining information at the core server regarding when the content was delivered.

167. (Currently amended) A method as in Claim 165, wherein the step of obtaining information at the core server regarding the characteristics of the transmission of the content comprises the step of obtaining information at the core server regarding

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the bandwidth and/or latency performance associated with the transmission of the content.

168. (Currently amended) A method as in Claim 121, further comprising the steps of:

identifying at the core server a plurality of node servers within the network that can act as a node server for distribution of the specified content;

selecting by the core server from the plurality of node servers one or more candidate node servers; and

communicating from the core server the identity of the candidate node servers to the client to enable the client to request transmission of the specified content via the network from one of the candidate node servers.

169. (Currently amended) A method as in Claim 168, further comprising the steps of:

determining by the core server the location of the client within the network;

identifying at the core server the locations of the plurality of node servers that can act as a node server for distribution of the specified content; and

wherein the step of selecting by the core server one or more candidate node servers comprises the step of selecting by the core server from the plurality of node servers one or more candidate node servers that are determined to be topologically proximate to the client.

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170. (Previously presented) A method as in Claim 169, wherein the determination of topological proximity to the client is performed using a breadth-first search to identify node servers that satisfy a criterion regarding topological proximity to the client.

171. (Currently amended) A method as in Claim 121, wherein the step of identifying a network site that will act as a node server for distribution of the specified content further comprises the steps of:

identifying at the core server the location of a prospective node server that desires to act as a node server for distribution of the specified content;

identifying at the core server the location of one or more other existing node servers that can act as a node server for distribution of the specified content;

determining by the core server the topological proximity of the prospective node server to the existing node servers, wherein the prospective node server is selected as a node server for distribution of the specified content if the prospective node server satisfies a criterion regarding topological proximity to the existing node servers.

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172. (Previously presented) A method as in Claim 171, wherein the step of determining the topological proximity of the prospective node server to the existing node servers is performed using an annealing method.

173. (Currently amended) A method as in Claim 121, further comprising the steps of:

storing at the core server data identifying available content that can be obtained by a client; and

providing from the core server an identification of available content to the client.

174. (Currently amended) A method as in Claim 121, further comprising the step of storing at the core server data identifying the location of the node server.

175. (Previously presented) A method as in Claim 121, wherein the content comprises visual content including moving images.

176. (Previously presented) A method as in Claim 121, wherein the network is a computer network.

177. (Previously presented) A method as in Claim 176, wherein the network is the Internet.

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178. (Previously presented) A method as in Claim 121, wherein the network is a television network.

179. (Previously presented) A method as in Claim 121, wherein the network is a wireless communications network.

180. (Currently amended) A method as in Claim 121, ~~wherein the steps of identifying a network site that will act as a node server, providing the specified content to the node server, receiving a request from a client for the specified content, communicating the identity of the node server to the client, and ascertaining that the node server transmitted the specified content to the client are performed by a core server, the method~~ further comprising the ~~following~~ steps ~~performed by a node server~~ of:

> storing <u>at the node server</u> the specified content;
> receiving <u>at the node server</u> a request to transmit the specified content to the client; and
> transmitting <u>from the node server</u> the specified content to the client.

181. (Currently amended) A method as in Claim 180, ~~wherein the steps performed by the node server~~ further ~~comprise~~ <u>comprising</u> the step of receiving <u>at the node server</u> the specified content from the core server.

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182. (Previously presented) A method as in Claim 180, wherein the steps performed by the core server and the steps performed by the node server are each implemented, at least in part, in a computer.

183. (Previously presented) A method as in Claim 180, wherein the steps performed by the node server are implemented, at least in part, in a television set-top box.

184. (Previously presented) A method as in Claim 180, wherein the steps performed by the node server are implemented, at least in part, in a portable device.

185. (Currently amended) A method as in Claim 181, ~~the method~~ further comprising the ~~following~~ steps ~~performed by a client~~ of:

    transmitting from a client the request for the specified content to the core server;

    receiving at the client the identity of the node server from the core server; and

    receiving at the client the specified content from the node server.

186. (Previously presented) A method as in Claim 185, wherein the steps performed by the node server and the steps performed by the client are each implemented, at least in part, in a television set-top box.

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187. (Currently amended) A method as in Claim 121, ~~wherein~~
~~the steps of identifying a network site that will act as a node~~
~~server, providing the specified content to the node server,~~
~~receiving a request from a client for the specified content,~~
~~communicating the identity of the node server to the client, and~~
~~ascertaining that the node server transmitted the specified~~
~~content to the client are performed by a core server, the method~~
further comprising the ~~following~~ steps ~~performed by a client~~ of:

transmitting from the client the request for the
specified content to the core server;

receiving at the client the identity of the node server
from the core server; and

receiving at the client the specified content from the
node server.

188. (Currently amended) A method as in Claim 187, ~~wherein~~
~~the steps performed by~~ the ~~client~~ further ~~comprise~~ comprising the
step of transmitting from the client a request to the node server
to transmit the specified content to the client.

189. (Currently amended) A method as in Claim 187, ~~wherein~~
~~the steps performed by the client~~ further ~~comprise~~ comprising the
steps of: /

monitoring by the client the characteristics of the
transmission of the specified content from the node server
to obtain auditing information regarding the transmission of

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the specified content from the node server to the client;
and

transmitting from the client the auditing information
to the core server.

190. (Previously presented) A method as in Claim 187,
wherein the steps performed by the core server and the steps
performed by the client are each implemented, at least in part,
in a computer.

191. (Previously presented) A method as in Claim 187,
wherein the steps performed by the client are implemented, at
least in part, in a television set-top box.

192. (Previously presented) A method as in Claim 187,
wherein the steps performed by the client are implemented, at
least in part, in a portable device.

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<center>REMARKS</center>

Claims 1-34, 39, 56, 77-94, 99, 112, 121, 124 and 128-192
are pending. Claims 77-94, 99 and 112 have been allowed.
Claims 1-34, 39, 56, 124 and 128-160 were rejected under
35 U.S.C. § 112. Claims 1-34, 39, 56, 121, 124 and 128-192 were
rejected under 35 U.S.C. § 101. Claims 1, 9, 10, 12, 15, 16, 22-
34, 39, 56, 121, 124, 132, 135, 138, 141, 142, 148-160, 165-169,
171, 173, 174, 180, 181, 185 and 187-189 have been amended.
Reconsideration and allowance of Claims 1-34, 39, 56, 77-94, 99,
112, 121, 124 and 128-192 is requested.

Rejection of Claims under 35 U.S.C. § 112

In the Office Action, Claims 124 and 128-160 were rejected
under 35 U.S.C. § 112, first paragraph. The Office Action
stated:

> The "invention" for the purpose of the first paragraph
> analysis is defined by the claims. The description
> requirement is simply that the claimed subject matter
> must be described in the specification. The function
> of the description requirement is to ensure that the
> applicant had possession of the invention on the filing
> date of the application. The application need not
> describe the claim limitations exactly, but must be
> sufficiently clear for one of ordinary skill in the art
> to recognize that the applicant's invention encompasses
> the recited limitations. The description requirement
> is not met if the application does not expressly or
> inherently disclose the claimed invention.
>
> Specification does not explicitly describe nor is
> sufficiently clear for one of ordinary skill in art to
> recognize the following steps as recited in independent
> claim 124:
> "... a receiver ... and a transmitter ..."

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> Applicant does not cites anywhere in the present
> application specification indicating that "... a
> receiver ... and a transmitter ..." Thus it is unclear
> how the present specification can supports the claimed
> limitations "... a receiver ... and a transmitter ..."
> in claim 124.
>
> Therefore, claims 124 (independent claim) and 128-160
> are unclear that the one ordinarily skilled in the art
> cannot recognize the encompassed claimed limitations.

Though Applicant's specification does not specifically use
the terms "receiver" and "transmitter," the functions performed
by the receiver and transmitter in Applicant's claims (e.g.,
receiving, transmitting, communicating, providing) are clearly
described throughout Applicant's specification, and that those
functions can be performed by apparatus denoted generally as a
"receiver" and/or a "transmitter" would certainly be clear to one
of ordinary skill in the art. The Office Action states that
"[t]he description requirement is not met if the application does
not expressly or inherently disclose the claimed invention" and
that Applicant's specification does not provide such disclosure.
However, as indicated above, in view of the description
throughout Applicant's specification of the functions performed
by the receiver and transmitter recited in Applicant's claims,
Applicant contends that such receiver and transmitter are, at
least, inherently disclosed therein and, consequently, the
receiver and transmitter recited in Claims 124 and 128-160 meet
the requirements of the first paragraph of 35 U.S.C. § 112.

In the Office Action, Claims 1-34, 39, 56, 124 and 128-160
were rejected under 35 U.S.C. § 112, second paragraph as being
indefinite. The Office Action stated:

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[I]t is not clear that applicant intended to claim
apparatus/device or application/software instruction.

If applicant intended to claim apparatus/device, the
apparatus/device cannot be just
code/application/software instruction. Within the
meaning of 101, a machine/device is "a concrete thing,
consisting of parts or of certain devices and
combination of devices. [citation omitted] Therefore,
claims 1-34, 39, 56, 124 and 128-160 are incomplete or
inaccurate as claimed as apparatus/device.

If Applicant intended to application/code/software
instruction, the claims 1-34, 39, 56, 124 and 128-160
are just limited to a functional descriptive materials
consisting of application per se, instead of being
defined as including tangible embodiments (i.e., a
computer-readable storage medium such as memory device,
storage medium, etc.)

Regarding claims 1-34, 39, 56, 124 and 128-160, it is
not clear that "means for receiving" and "means for
communicating" and "means for ascertaining", etc. are
hardware components or software components. In case if
those "means for" are software components, it appears
that claims 1-34, 39, 56, 124 and 128-160 are not
"apparatus/device" because apparatus/device cannot be
just software. Therefore, claims 1-34, 39, 56, 124 and
128-160 are incomplete or inaccurate as
apparatus/device.

Applicant has amended Claims 1, 9, 10, 12, 15, 16, 22-34,

39, 56, 124, 132, 135, 138, 141, 142 and 148-160 to make clearer

that Claims 1-34, 39, 56, 124 and 128-160 recite apparatus:

those claims now include recitations that the apparatus includes

a core server and can further include a node server and/or

client. Apparatus/hardware/devices that can be used to implement

a core server, node server and client in accordance with the

invention are described at various places in Applicant's

specification. Apparatus/hardware/devices that can be used to

implement a core server in accordance with the invention are

described at, for example, page 13, lines 8-31; page 14, lines 8-

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18; and page 14, line 29 to page 15, line 9 of Applicant's
specification. Apparatus/hardware/devices that can be used to
implement a node server in accordance with the invention are
described at, for example, page 21, lines 13-32 of Applicant's
specification. Apparatus/hardware/devices that can be used to
implement a client in accordance with the invention are described
at, for example, page 26, lines 3-19 of Applicant's
specification.

In view of the foregoing, it is requested that the
rejections of Claims 1-34, 39, 56, 124 and 128-160
under 35 U.S.C. § 112 be withdrawn.

Rejection of Claims under 35 U.S.C. § 101

In the Office Action, Claims 1-34, 39, 56, 124 and 128-160
were rejected under 35 U.S.C. § 101. The Office Action stated:

> The claims are system claims (e.g., claims 22-34 and
> 148-160 indicate that claims 1-34, 39, 56, 124 and 128-
> 160 are system claims). However, it is not clear that
> "means for receiving" and "means for communicating" and
> "means for ascertaining", etc. are hardware components
> or software components, given that no explicit hardware
> embodiments of the "means for" can be found in the
> specifications. Therefore, the claims are directed to
> non-statutory subject matter. Correction is required.

As discussed above, Applicant has amended Claims 1, 9, 10,
12, 15, 16, 22-34, 39, 56, 124, 132, 135, 138, 141, 142 and 148-
160 to make clearer that Claims 1-34, 39, 56, 124 and 128-160
recite apparatus (that includes a core server and can further
include a node server and/or client) and therefore recite
statutory subject matter.

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In the Office Action, Claims 121 and 161-192 were rejected
under 35 U.S.C. § 101. The Office Action stated:

> [T]hese appear to be directed toward a method or
> process for effecting the provision of content cover a
> network. Based on Supreme Court precedent, and recent
> Federal Circuit decisions, the Office's guidance to
> examiners is that a § 101 process must (1) be tied to
> another statutory class (such as a particular
> apparatus) or (2) transform underlying subject matter
> (such as an article or materials) to a different state
> or thing. [citations omitted]
>
> An example of a method claim that would not qualify as
> a statutory process would be a claim that recited
> purely mental steps. Thus, to qualify as a § 101
> statutory process, the claim should positively recite
> the other statutory class (the thing or product) to
> which it is tied, for example, by identifying the
> apparatus that accomplishes the method steps, or
> positively recite the subject matter that is being
> transformed, for example by identifying the material
> that is being changed to a different state. In the
> instant application, applicant's method steps fail the
> first prong of the new Federal Circuit decision since
> they are not required to be tied to another statutory
> class and can be performed without the use of a
> particular apparatus. Furthermore, the method steps
> fail to unambiguously require transformation of
> underlying subject matter to a different state or
> thing. The mere steps of identifying, providing,
> receiving, communicating and ascertaining information
> is not a transformation and is not statutory subject
> matter.
>
> Thus, claims 121 and 161-192 are non-statutory since
> they are not requisitely tied to another statutory
> class and they do not requisitely transform underlying
> subject matter to a different state or thing.

Claims 121, 165-169, 171, 173, 174, 180, 181, 185 and 187-
189 have been amended to recite that the steps of the methods of
Claims 121 and 161-192 are tied to a core server, node server
and/or client, as appropriate. Thus, the steps of the methods of
Claims 121 and 161-192 are tied to particular machine(s) and
therefore those claims recite statutory subject matter.

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In view of the foregoing, it is requested that the rejection of Claims 1-34, 39, 56, 121, 124 and 128-192 were under 35 U.S.C. § 112 be withdrawn.

CONCLUSION

Claims 1-34, 39, 56, 77-94, 99, 112, 121, 124 and 128-192 were pending. Claims 77-94, 99 and 112 have been allowed. Claims 1-34, 39, 56, 121, 124 and 128-192 were rejected. Claims 1, 9, 10, 12, 15, 16, 22-34, 39, 56, 121, 124, 132, 135, 138, 141, 142, 148-160, 165-169, 171, 173, 174, 180, 181, 185 and 187-189 have been amended. In view of the foregoing, it is requested that Claims 1-34, 39, 56, 77-94, 99, 112, 121, 124 and 128 192 be allowed. If the Examiner wants to discuss any aspect of this application, the Examiner is invited to telephone Applicants' undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, facsimile number (571) 273-8300, on June 17, 2009.

6-17-09   David R. Graham

Date   Signature

Respectfully submitted,

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EXHIBIT C

ORLANDO SENTINEL

Registration Date	Issue Registered (Month/Year)	Registration Number
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EXHIBIT D

SUN SENTINEL

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EXHIBIT E

THE MERCURY NEWS

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08/31/2017	January 2017	TX0008447901
08/31/2017	December 2016	TX0008447795
08/31/2017	October 2016	TX0008447818
08/31/2017	September 2016	TX0008447854
08/31/2017	February 2017	TX0008447765
08/31/2017	April 2017	TX0008447870
08/31/2017	March 2017	TX0008447828
08/31/2017	November 2016	TX0008447784
12/13/2017	July 2017	TX0008491101
12/13/2017	August 2017	TX0008491082
12/13/2017	May 2017	TX0008491106
12/13/2017	June 2017	TX0008491124
12/13/2017	October 2017	TX0008731190
12/13/2017	September 2017	TX0008491509
04/10/2018	March 2018	TX0008538126
04/23/2018	January 2018	TX0008645154
04/30/2018	February 2018	TX0008645158

05/03/2018	April 2018	TX0008538133
06/05/2018	May 2018	TX0008550998
07/05/2018	June 2018	TX0008579348
08/07/2018	July 2018	TX0008581880
09/05/2018	August 2018	TX0008594922
10/12/2018	September 2018	TX0008667374
11/16/2018	October 2018	TX0008667964
12/10/2018	November 2018	TX0008668242
02/19/2019	January 2019	TX0008700772
03/19/2019	February 2019	TX0008742510
04/04/2019	December 2018	TX0008699814
05/14/2019	March 2019	TX0008794893
05/31/2019	April 2019	TX0008793465
07/26/2019	June 2019	TX0008800741
08/26/2019	July 2019	TX0008803687
09/17/2019	August 2019	TX0008819332
10/29/2019	September 2019	TX0008823888
11/18/2019	May 2019	TX0008803605
12/02/2019	October 2019	TX0008825729
12/31/2019	November 2019	TX0008830464
01/17/2020	December 2019	TX0008840280
02/25/2020	January 2020	TX0008860525
03/18/2020	February 2020	TX0008862064
04/16/2020	March 2020	TX0008865328
05/13/2020	April 2020	TX0008876170
06/24/2020	May 2020	TX0008885763
07/22/2020	June 2020	TX0008888013
09/04/2020	July 2020	TX0008901405
10/12/2020	August 2020	TX0008913989
12/04/2020	September 2020	TX0008923480
12/15/2020	October 2020	TX0008926307
01/04/2021	November 2020	TX0008935362
01/15/2021	December 2020	TX0008935292
02/24/2021	January 2021	TX0008949859
03/26/2021	February 2021	TX0008957988
05/19/2021	March 2021	TX0009004214
05/28/2021	April 2021	TX0008980808
06/28/2021	May 2021	TX0008994111
09/07/2021	June 2021	TX0009011492
10/06/2021	July 2021	TX0009063815
11/03/2021	September 2021	TX0009080226
11/03/2021	August 2021	TX0009078793
12/01/2021	October 2021	TX0009101109
02/07/2022	December 2021	TX0009128945

03/16/2022	January 2022	TX0009140838
04/22/2022	February 2022	TX0009148893
04/25/2022	March 2022	TX0009151964
05/23/2022	November 2021	TX0009125285
06/13/2022	April 2022	TX0009170462
07/01/2022	May 2022	TX0009179413
07/25/2022	June 2022	TX0009178724
08/31/2022	July 2022	TX0009189532
09/26/2022	August 2022	TX0009193087
10/31/2022	September 2022	TX0009218483
01/11/2023	November 2022	TX0009262393
02/10/2023	December 2022	TX0009268545
03/10/2023	January 2023	TX0009273884
03/29/2023	February 2023	TX0009280323
03/29/2023	October 2022	TX0009239946
04/12/2023	March 2023	TX0009283049
06/02/2023	April 2023	TX0009292883
06/30/2023	May 2023	TX0009299577
07/21/2023	June 2023	TX0009305049
09/13/2023	July 2023	TX0009320187
09/22/2023	August 2023	TX0009322493
10/13/2023	September 2023	TX0009327922
11/29/2023	October 2023	TX0009339252
12/20/2023	November 2023	TX0009353919
01/05/2024	December 2023	TX0009359752
02/28/2024	January 2024	TX0009381597

EXHIBIT F

THE DENVER POST

Registration Date	Issue Registered (Month/Year)	Registration Number
02/26/2007	December 2006	TX0006520751
03/30/2007	January 2007	TX0006550595
04/30/2007	February 2007	TX0006614019
06/14/2007	March 2007	TX0006587016
06/29/2007	April 2007	TX0006587451
10/15/2007	April 2007	TX0006645691
07/20/2007	May 2007	TX0006630312
10/15/2007	June 2007	TX0006645690
10/04/2007	July 2007	TX0006630528
11/08/2007	August 2007	TX0006630542
11/15/2007	September 2007	TX0006630302
01/09/2008	October 2007	TX0006662882
02/01/2008	November 2007	TX0006647563
04/04/2008	December 2007	TX0006648696
04/04/2008	January 2008	TX0006648722
05/05/2008	February 2008	TX0006647368
06/04/2008	March 2008	TX0006648709
06/21/2008	April 2008	TX0006661256
07/24/2008	May 2008	TX0006661187
09/19/2008	June 2008	TX0006665134
10/02/2008	July 2008	TX0006685291
11/03/2008	August 2008	TX0006660461
01/16/2009	October 2008	TX0006664987
01/24/2009	November 2008	TX0006631916
03/10/2009	December 2008	TX0006680109
05/01/2009	January 2009	TX0006631564
05/08/2009	February 2009	TX0006631557
06/16/2009	March 2009	TX0006681701
06/26/2009	April 2009	TX0006685079
07/23/2009	May 2009	TX0006679395
08/25/2009	June 2009	TX0006685238
09/07/2009	July 2009	TX0006685352
10/29/2009	August 2009	TX0006700121
11/13/2009	September 2009	TX0006700176
12/23/2009	October 2009	TX0006700043
01/29/2010	November 2009	TX0006702312
03/16/2010	December 2009	TX0006703966
03/19/2010	January 2010	TX0006702429
05/05/2010	February 2010	TX0006703960
05/27/2010	March 2010	TX0006718501
06/22/2010	April 2010	TX0006705000
08/06/2010	May 2010	TX0006718343

11/01/2010	June 2010	TX0006718608
11/17/2010	July 2010	TX0006771445
01/03/2010	August 2010	TX0006771505
02/23/2011	September 2010	TX0006772770
03/18/2011	October 2010	TX0006772918
04/05/2011	November 2010	TX0006772823
04/05/2011	December 2010	TX0006772825
04/11/2011	January 2011	TX0006772828
04/11/2011	February 2011	TX0006772829
07/12/2011	March 2011	TX0006778844
07/12/2011	April 2011	TX0006778840
08/01/2011	May 2011	TX0006778880
08/21/2011	June 2011	TX0006788061
10/18/2011	July 2011	TX0006790059
11/07/2011	August 2011	TX0006787642
12/22/2011	September 2011	TX0006788678
02/07/2012	October 2011	TX0006788030
03/07/2012	November 2011	TX0006790381
03/26/2012	December 2011	TX0006789327
05/14/2012	January 2012	TX0006789319
05/14/2012	February 2012	TX0006789318
06/08/2012	March 2012	TX0006790140
06/25/2012	April 2012	TX0006790196
07/30/2012	May 2012	TX0006612293
08/21/2012	June 2012	TX0006573078
09/12/2012	July 2012	TX0006604665
11/13/2012	September 2012	TX0006604578
10/31/2012	August 2012	TX0007820154
12/18/2012	October 2012	TX0007713092
01/29/2013	November 2012	TX0007695108
02/19/2013	December 2012	TX0007726230
03/05/2013	January 2013	TX0007990145
04/22/2013	February 2013	TX0007902414
05/06/2013	March 2013	TX0007903552
06/10/2013	April 2013	TX0007879025
07/01/2013	May 2013	TX0007811173
07/29/2013	June 2013	TX0007763688
08/26/2013	July 2013	TX0007901250
10/28/2013	August 2013	TX0007876544
12/06/2013	September 2013	TX0007883792
01/03/2014	October 2013	TX0007901377
02/07/2014	November 2013	TX0007878892
02/24/2014	December 2013	TX0007878876
03/18/2014	January 2014	TX0007987763

04/14/2014	February 2014	TX0007995715
06/09/2014	March 2014	TX0007945335
06/17/2014	April 2014	TX0007918206
08/04/2014	May 2014	TX0007972129
08/14/2014	June 2014	TX0008082247
09/16/2014	July 2014	TX0007966420
09/26/2014	August 2014	TX0008063651
11/19/2014	September 2014	TX0008078196
12/10/2014	October 2014	TX0007995132
01/26/2015	December 2014	TX0008109722
01/26/2015	November 2014	TX0008109705
04/06/2015	January 2015	TX0008173706
04/13/2015	February 2015	TX0008198376
05/26/2015	March 2015	TX0008156973
06/15/2015	April 2015	TX0008161560
07/08/2015	May 2015	TX0008182599
08/21/2015	June 2015	TX0008204843
10/14/2015	July 2015	TX0008236293
10/19/2015	August 2015	TX0008227413
11/09/2015	September 2015	TX0008238756
12/07/2015	October 2015	TX0008240800
01/11/2016	November 2015	TX0008232327
02/23/2016	December 2015	TX0008261008
02/29/2016	January 2016	TX0008256060
04/05/2016	February 2016	TX0008266334
04/26/2016	March 2016	TX0008264009
06/10/2016	April 2016	TX0008331390
08/01/2016	May 2016	TX0008315868
09/19/2016	July 2016	TX0008347951
10/13/2016	August 2016	TX0008334695
11/21/2016	July 2016	TX0008285238
12/13/2016	September 2016	TX0008284080
01/11/2017	November 2016	TX0008379570
01/11/2017	October 2016	TX0008378209
02/22/2017	December 2016	TX0008371430
03/13/2017	January 2017	TX0008342946
05/09/2017	March 2017	TX0008396825
05/09/2017	February 2017	TX0008440324
06/29/2017	May 2017	TX0008439656
06/29/2017	April 2017	TX0008439635
08/01/2017	June 2017	TX0008467999
08/29/2017	July 2017	TX0008433909
10/31/2017	August 2017	TX0008473234
11/27/2017	October 2017	TX0008498112

12/04/2017	September 2017	TX0008498095
04/04/2018	February 2018	TX0008603404
04/04/2018	January 2018	TX0008603412
07/31/2019	July 2019	TX0008803778
07/31/2019	May 2019	TX0008803367
07/31/2019	June 2019	TX0008774328
08/01/2019	January 2019	TX0008803039
08/01/2019	April 2019	TX0008803179
08/01/2019	February 2019	TX0008791540
09/04/2019	August 2019	TX0008806007
11/08/2019	October 2019	TX0008823123
12/11/2019	November 2019	TX0008829393
01/02/2020	December 2019	TX0008832157
01/16/2020	September 2019	TX0008825140
02/04/2020	January 2020	TX0008856322
03/10/2020	February 2020	TX0008862023
04/09/2020	March 2020	TX0008865229
05/04/2020	April 2020	TX0008875823
06/22/2020	May 2020	TX0008885816
11/10/2020	July 2020	TX0008921406
11/10/2020	June 2020	TX0008921373
12/02/2020	October 2020	TX0008923609
12/02/2020	August 2020	TX0008926253
12/21/2020	September 2020	TX0008928810
04/01/2021	March 2021	TX0008959168
06/07/2021	April 2021	TX0008985252
06/08/2021	May 2021	TX0008985626
07/29/2021	June 2021	TX0009008817
01/19/2022	November 2021	TX0009123484
02/09/2022	January 2022	TX0009132046
03/09/2022	February 2022	TX0009138691
04/20/2022	March 2022	TX0009150826
05/09/2022	April 2022	TX0009153792
06/23/2022	May 2022	TX0009170742
06/24/2022	December 2021	TX0009135943
06/28/2022	November 2021	TX0009137053
07/26/2022	June 2022	TX0009178776
10/25/2022	August 2022	TX0009210100
01/19/2023	October 2022	TX0009263610
01/19/2023	November 2022	TX0009263406
01/19/2023	December 2022	TX0009263187
02/28/2023	January 2023	TX0009270547
09/27/2023	March 2023	TX0009322202
09/27/2023	February 2023	TX0009322221

09/28/2023	August 2023	TX0009326435
10/11/2023	September 2023	TX0009327541
10/17/2023	April 2023	TX0009330791
11/20/2023	June 2023	TX0009336722
11/21/2023	May 2023	TX0009332655
11/21/2023	July 2023	TX0009336696
11/21/2023	October 2023	TX0009336662
01/09/2024	December 2023	TX0009359717
02/20/2024	January 2024	TX0009377672

EXHIBIT G

ORANGE COUNTY REGISTER

Registration Date	Issue Registered (Month/Year)	Registration Number
05/05/2006	January 2006	TX0006349970
05/05/2006	February 2006	TX0006349946
06/30/2006	March 2006	TX0006422049
06/30/2006	April 2006	TX0006422055
10/23/2006	May 2006	TX0006481187
10/23/2006	June 2006	TX0006481186
10/23/2006	July 2006	TX0006436516
11/07/2006	August 2006	TX0006459517
12/19/2006	October 2006	TX0006481158
12/29/2006	September 2006	TX0006505019
01/22/2007	November 2006	TX0006505046
03/05/2007	December 2006	TX0006587419
03/14/2007	January 2007	TX0006522983
04/27/2007	February 2007	TX0006613949
05/01/2007	November 2006	TX0006575585
06/07/2007	March 2007	TX0006587826
07/11/2007	April 2007	TX0006661055
08/10/2007	May 2007	TX0006627910
09/10/2007	June 2007	TX0006627283
09/24/2007	July 2007	TX0006629790
10/01/2007	August 2007	TX0006647218
10/26/2007	September 2007	TX0006630546
01/18/2008	October 2007	TX0006647220
01/28/2008	November 2007	TX0006647221
02/22/2008	December 2007	TX0006647219
05/14/2008	February 2008	TX0006661056
05/30/2008	January 2008	TX0006648879
08/06/2008	March 2008	TX0006661057
08/06/2008	May 2008	TX0006661058
08/08/2008	April 2008	TX0006662816
09/03/2008	June 2008	TX0006660123
09/29/2008	July 2008	TX0006660122
10/24/2008	August 2008	TX0006660124
11/11/2008	September 2008	TX0006664786
01/15/2009	October 2008	TX0006664751
03/27/2009	November 2008	TX0006664952
04/06/2009	January 2009	TX0006631891
05/01/2009	February 2009	TX0006631813
05/18/2009	December 2008	TX0006679364
05/18/2009	March 2009	TX0006631498
07/07/2009	April 2009	TX0006679703
10/09/2009	June 2009	TX0006685208

10/23/2009	July 2009	TX0006700141
11/23/2009	August 2009	TX0006700140
11/27/2009	September 2009	TX0006700142
01/11/2010	May 2009	TX0006771126
01/11/2010	October 2009	TX0006702391
02/01/2010	November 2009	TX0006701499
04/29/2010	December 2009	TX0006704170
07/01/2010	February 2010	TX0006704940
09/03/2010	April 2010	TX0006705125
09/10/2010	March 2010	TX0006705109
09/16/2010	May 2010	TX0006705134
09/16/2010	June 2010	TX0006705136
01/20/2011	August 2010	TX0006771119
02/04/2011	September 2010	TX0006771564
02/04/2011	October 2010	TX0006771565
02/25/2011	November 2010	TX0006772947
05/13/2011	December 2010	TX0006773283
05/13/2011	January 2011	TX0006773282
05/16/2011	February 2011	TX0006773284
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07/15/2011	May 2011	TX0006778850
08/01/2011	April 2011	TX0006778851
09/23/2011	June 2011	TX0006787623
10/07/2011	July 2011	TX0006783623
10/28/2011	August 2011	TX0006787556
12/13/2011	September 2011	TX0006787799
02/27/2012	October 2011	TX0006604672
02/27/2012	November 2011	TX0006604671
04/02/2012	December 2011	TX0006604670
04/09/2012	January 2012	TX0006790399
07/13/2012	February 2012	TX0006604625
07/13/2012	April 2012	TX0006573244
08/20/2012	June 2012	TX0006573044
08/24/2012	March 2012	TX0006573039
10/03/2012	July 2012	TX0006604635
11/30/2012	August 2012	TX0007800018
01/25/2013	October 2012	TX0007800037
02/01/2013	November 2012	TX0007875462
03/08/2013	December 2012	TX0007807509
06/12/2013	January 2013	TX0007883783
06/17/2013	April 2013	TX0007759498
07/10/2013	February 2013	TX0007898525
09/09/2013	March 2013	TX0007905055
09/11/2013	May 2013	TX0007905027

10/25/2013	June 2013	TX0007901956
12/06/2013	July 2013	TX0007886509
12/16/2013	August 2013	TX0007886482
12/27/2013	September 2013	TX0007903584
01/10/2014	October 2013	TX0007903593
06/02/2014	January 2014	TX0008005093
06/02/2014	February 2014	TX0008005124
08/04/2014	March 2014	TX0007918181
08/21/2014	April 2014	TX0008010987
09/17/2014	May 2014	TX0007966214
12/01/2014	July 2014	TX0008108356
12/01/2014	June 2014	TX0008108347
01/07/2016	August 2014	TX0008260020
01/08/2016	September 2014	TX0008260186
01/27/2016	March 2015	TX0008257342
01/27/2016	November 2014	TX0008257341
01/27/2016	October 2014	TX0008257345
01/27/2016	February 2015	TX0008257336
01/27/2016	January 2015	TX0008257335
01/27/2016	December 2014	TX0008257334
03/09/2016	April 2015	TX0008266350

EXHIBIT H

PIONEER PRESS

Registration Date	Issue Registered (Month/Year)	Registration Number
08/01/2007	March 2007	TX0006647171
08/01/2007	April 2007	TX0006614500
08/02/2007	May 2007	TX0006614515
08/03/2007	February 2007	TX0006614502
08/13/2007	January 2007	TX0006614522
02/26/2008	September 2007	TX0006647015
02/28/2008	June 2007	TX0006646310
02/28/2008	July 2007	TX0006646311
02/28/2008	August 2007	TX0006646312
04/09/2008	October 2007	TX0006647046
05/13/2008	November 2007	TX0006647019
08/06/2008	February 2008	TX0006665147
08/08/2008	January 2008	TX0006660512
12/04/2008	March 2008	TX0006683830
12/04/2008	April 2008	TX0006665071
12/08/2008	June 2008	TX0006665203
01/02/2009	December 2007	TX0006664981
02/18/2009	July 2008	TX0006631857
02/18/2009	August 2008	TX0006631858
02/18/2009	September 2008	TX0006631859
04/14/2009	October 2008	TX0006631562
04/15/2009	November 2008	TX0006631634
05/11/2009	December 2008	TX0006679685
07/14/2009	January 2009	TX0006683984
07/29/2009	February 2009	TX0006681741
07/30/2009	March 2009	TX0006687595
08/18/2009	April 2009	TX0006685384
08/18/2009	May 2009	TX0006687587
12/07/2009	June 2009	TX0006699979
12/07/2009	July 2009	TX0006699978
01/19/2010	September 2009	TX0006701593
01/19/2010	August 2009	TX0006702389
02/05/2010	October 2009	TX0006701504
02/05/2010	November 2009	TX0006702316
07/21/2010	January 2010	TX0006705011
07/21/2010	February 2010	TX0006705006
08/03/2010	March 2009	TX0006718340
09/08/2010	December 2009	TX0006718433
09/08/2010	April 2009	TX0006718431
02/16/2011	June 2010	TX0006772133
02/16/2011	July 2010	TX0006772132
02/16/2011	May 2009	TX0006772104

03/14/2011	September 2010	TX0006772908
03/14/2011	October 2010	TX0006772909
03/24/2011	May 2011	TX0006787751
08/02/2011	December 2010	TX0006783646
08/02/2011	January 2011	TX0006783637
08/02/2011	February 2011	TX0006783636
08/02/2011	January 2011	TX0006778907
08/24/2011	April 2011	TX0006787750
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02/02/2012	July 2011	TX0006789470
02/02/2012	August 2011	TX0006788703
03/01/2012	September 2011	TX0006788800
03/01/2012	October 2011	TX0006787589
03/28/2012	December 2011	TX0006604552
04/04/2012	November 2011	TX0006790402
05/11/2012	February 2012	TX0006686635
05/23/2012	March 2012	TX0006686634
05/31/2012	January 2012	TX0006686633
08/01/2012	April 2012	TX0006790303
08/10/2012	May 2012	TX0006601097
09/14/2012	June 2012	TX0006789874
01/17/2013	July 2012	TX0007807058
01/18/2013	August 2012	TX0007807478
04/24/2013	September 2012	TX0007742483
04/24/2013	December 2012	TX0008518288
04/24/2013	November 2012	TX0007746820
04/24/2013	October 2012	TX0007742471
10/30/2013	January 2013	TX0007892139
10/30/2013	July 2013	TX0007892874
10/30/2013	May 2013	TX0007879828
10/30/2013	June 2013	TX0007892141
04/30/2014	September 2013	TX0008007422
04/30/2014	August 2013	TX0008007409
04/30/2014	November 2013	TX0007886973
04/30/2014	October 2013	TX0007886921
05/05/2014	December 2013	TX0007949746
05/14/2014	February 2014	TX0007950932
05/14/2014	January 2014	TX0007949741
05/20/2014	March 2014	TX0007914235
09/22/2014	April 2014	TX0007958537
11/13/2014	May 2014	TX0008084800
11/17/2014	June 2014	TX0008029356
02/02/2015	July 2014	TX0008108596
03/02/2015	August 2014	TX0008153078

04/17/2015	September 2014	TX0008064540
05/06/2015	October 2014	TX0008177154
05/18/2015	December 2014	TX0008153165
06/12/2015	November 2014	TX0008179307
06/12/2015	January 2015	TX0008179312
08/17/2015	March 2015	TX0008204888
08/17/2015	February 2015	TX0008204961
09/11/2015	April 2015	TX0008228519
10/26/2015	May 2015	TX0008231529
10/26/2015	June 2015	TX0008234698
12/09/2015	August 2015	TX0008250275
12/09/2015	July 2015	TX0008240720
02/08/2016	September 2015	TX0008330276
02/11/2016	November 2015	TX0008259280
02/11/2016	October 2015	TX0008329721
10/07/2016	June 2016	TX0008299609
10/26/2016	July 2016	TX0008315013
10/26/2016	August 2016	TX0008315019
11/14/2016	September 2016	TX0008569289
01/09/2017	October 2016	TX0008383918
03/15/2017	December 2016	TX0008382095
03/15/2017	January 2017	TX0008359814
05/02/2017	February 2017	TX0008396872
05/11/2017	November 2016	TX0008396874
06/20/2017	March 2017	TX0008483555
06/20/2017	April 2017	TX0008408375
07/07/2017	May 2017	TX0008399096
08/29/2017	June 2017	TX0008433869
01/05/2018	August 2017	TX0008507413
01/31/2018	September 2017	TX0008507401
03/14/2019	January 2019	TX0008756037
07/16/2019	March 2019	TX0008800295
07/23/2019	December 2018	TX0008795942
07/24/2019	February 2019	TX0008788550
07/25/2019	April 2019	TX0008801219
07/29/2019	May 2019	TX0008803906
07/29/2019	June 2019	TX0008804014
09/10/2019	July 2019	TX0008804107
12/11/2019	September 2018	TX0008821207
01/30/2020	September 2019	TX0008841044
02/19/2020	October 2019	TX0008839746
02/26/2020	November 2019	TX0008842680
03/31/2020	December 2019	TX0008863350
03/31/2020	January 2020	TX0008864801

06/16/2020	April 2020	TX0008885002
06/16/2020	March 2020	TX0008885313
06/16/2020	May 2020	TX0008885583
06/16/2020	February 2020	TX0008885009
11/01/2020	June 2020	TX0008916013
11/01/2020	October 2019	TX0008915753
01/21/2021	August 2020	TX0008936378
01/28/2021	October 2020	TX0008942800
02/11/2021	November 2020	TX0008945331
03/14/2021	September 2020	TX0008943134
04/21/2021	July 2020	TX0008965430
04/21/2021	January 2021	TX0008965200
04/23/2021	February 2021	TX0008974853
04/23/2021	March 2021	TX0008969081
07/01/2021	December 2020	TX0008980273
08/04/2021	April 2021	TX0009007010
08/19/2021	July 2021	TX0009014384
08/19/2021	May 2021	TX0009014245
08/19/2021	June 2021	TX0009014132
09/27/2021	August 2019	TX0009010051
09/27/2021	August 2021	TX0009061286
10/21/2021	September 2021	TX0009075320
03/29/2022	October 2021	TX0009145276
03/29/2022	December 2021	TX0009145868
03/29/2022	November 2021	TX0009145310
04/13/2022	January 2022	TX0009136065
04/13/2022	February 2022	TX0009148358
06/08/2022	March 2022	TX0009165885
06/08/2022	April 2022	TX0009166057
12/13/2022	May 2022	TX0009252733
12/13/2022	July 2022	TX0009250569
12/14/2022	September 2022	TX0009250613
04/25/2023	November 2022	TX0009281978
04/25/2023	October 2022	TX0009281914
04/26/2023	January 2023	TX0009282360
04/26/2023	December 2022	TX0009282860
04/26/2023	March 2023	TX0009282828
04/26/2023	February 2023	TX0009282404
05/15/2023	August 2022	TX0009261481
08/15/2023	April 2023	TX0009308847
01/10/2024	September 2023	TX0009362088
01/10/2024	July 2023	TX0009362398
01/10/2024	August 2023	TX0009362314
01/10/2024	October 2023	TX0009362049